



**2022/0155(COD)**

19.4.2023

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## **DRAFT REPORT**

on the proposal for a regulation of the European Parliament and of the Council  
Laying down rules to prevent and combat child sexual abuse  
(COM(2022)0209 – C90174/2022 – 2022/0155(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Javier Zarzalejos

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

#### **Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

#### **Amendments by Parliament in the form of a consolidated text**

New text is highlighted in ***bold italics***. Deletions are indicated using either the ***■*** symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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Obtenu par CONTEXTE

## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council Laying down rules to prevent and combat child sexual abuse  
(COM(2022)0209 – C90174/2022 – 2022/0155(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2022)0209),
  - having regard to Article 294(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C90174/2022),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the reasoned opinions submitted, within the framework of Protocol No 1 and 2 to the EU Treaties, by the Spanish Parliament, the Netherlands Senate, the Irish Houses of the Oireachtas, the French Senate and the Czech Chamber of Deputies,
  - having regard to the opinion of the European Economic and Social Committee of 18 April 2023<sup>1</sup>,
  - having regard to Rules 59 and 41 of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A90000/2023),
1. Adopts its position at first reading hereinafter set out;
  2. Approves its statement annexed to this resolution, which will be published in the L series of the *Official Journal of the European Union* together with the final legislative act;
  3. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
  4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>1</sup> OJ C TY of 18.4.2023, p. 7.  
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## Amendment 1

### Proposal for a regulation

#### Recital 2

##### *Text proposed by the Commission*

(2) Given the central importance of relevant information society services, those aims can only be achieved by ensuring that providers offering such services in the Union behave responsibly and take reasonable measures to minimise the risk of their services being misused for the purpose of child sexual abuse, those providers often being ***the only ones*** in a position to prevent and combat such abuse. The measures taken should be targeted, carefully balanced and proportionate, so as to avoid any undue negative consequences for those who use the services for lawful purposes, in particular for the exercise of their fundamental rights protected under Union law, that is, those enshrined in the Charter and recognised as general principles of Union law, and so as to avoid imposing any excessive burdens on the

##### *Amendment*

(2) Given the central importance of relevant information society services, those aims can only be achieved by ensuring that providers offering such services in the Union behave responsibly and take reasonable measures to minimise the risk of their services being misused for the purpose of child sexual abuse, those providers often being in a ***unique*** position to prevent and combat such abuse. The measures taken should be ***effective***, targeted, carefully balanced and proportionate, so as to avoid any undue negative consequences for those who use the services for lawful purposes, in particular for the exercise of their fundamental rights protected under Union law, that is, those enshrined in the Charter and recognised as general principles of Union law, and so as to avoid imposing any

Or. en

## Amendment 2

### Proposal for a regulation

#### Recital 3

##### *Text proposed by the Commission*

##### *Amendment*

(3) Member States are increasingly introducing, or are considering introducing, national laws to prevent and combat online child sexual abuse, in particular by imposing requirements on providers of relevant information society services. In the light of the inherently cross-border nature of the internet and the service provision concerned, those national laws, which diverge, have a direct negative effect on the internal market. To increase legal certainty, eliminate the resulting obstacles to the provision of the services and ensure a level playing field in the internal market, the necessary harmonised requirements should be laid

(3) Member States are increasingly introducing, or are considering introducing, national laws to prevent and combat online child sexual abuse, in particular by imposing requirements on providers of relevant information society services. In the light of the inherently cross-border nature of the internet and the service provision concerned, those national laws, which diverge, **may** have a direct negative effect on the internal market. To increase legal certainty, eliminate the resulting obstacles to the provision of the services and ensure a level playing field in the internal market, the necessary harmonised requirements should be laid

Or. en

### Amendment 3

#### Proposal for a regulation

#### Recital 4

##### *Text proposed by the Commission*

(4) Therefore, this Regulation should contribute to the proper functioning of the internal market by setting out clear, uniform and balanced rules to prevent and combat child sexual abuse in a manner that is effective and that respects the fundamental rights of all parties concerned. In view of the fast-changing nature of the services concerned and the technologies used to provide them, those rules should be laid down in technology-neutral and future-proof manner, so **as not to hamper** innovation.

##### *Amendment*

(4) Therefore, this Regulation should contribute to the proper functioning of the internal market by setting out clear, uniform and balanced rules to prevent and combat child sexual abuse in a manner that is effective, **targeted and proportionate**, and that respects the fundamental rights of all parties concerned. In view of the fast-changing nature of the services concerned and the technologies used to provide them, those rules should be laid down in technology-neutral and future-proof manner, so **they encourage** innovation **and technological development to prevent and**

Or. en

## Amendment 4

### Proposal for a regulation

#### Recital 5

##### *Text proposed by the Commission*

(5) In order to achieve the objectives of this Regulation, it should cover providers of services that have the potential to be misused for the purpose of online child sexual abuse. As they are increasingly misused for that purpose, those services should include publicly available interpersonal communications services, such as messaging services and web-based e-mail services, in so far as those service as publicly available. As services which enable direct interpersonal and interactive exchange of information merely as a minor ancillary feature that is intrinsically linked to another service, such as chat and similar functions as part of gaming, image-sharing and video-hosting are equally at risk of misuse, they should also be covered by this Regulation. However, given the inherent differences between the various relevant information society services covered by this Regulation and the related varying risks that those services are misused for the purpose of online child sexual abuse and varying ability of the providers concerned to prevent and combat such abuse, the obligations imposed on the providers of those services should be differentiated in an appropriate manner.

##### *Amendment*

(5) In order to achieve the objectives of this Regulation, it should cover providers of services that have the potential to be misused for the purpose of online child sexual abuse. As they are increasingly misused for that purpose, those services should include publicly available interpersonal communications services, such as messaging services and web-based e-mail services, in so far as those service as publicly available. As services which enable direct interpersonal and interactive exchange of information merely as a minor ancillary feature that is intrinsically linked to another service, such as chat and similar functions as part of gaming, image-sharing and video-hosting are equally at risk of misuse, they should also be covered by this Regulation. ***Online search engines and any other artificial intelligence services should also be covered.*** However, given the inherent differences between the various relevant information society services covered by this Regulation and the related varying risks that those services are misused for the purpose of online child sexual abuse and varying ability of the providers concerned to prevent and combat such abuse, the obligations imposed on the providers of

Or. en

## Amendment 5

### Proposal for a regulation

#### Recital 7

##### *Text proposed by the Commission*

##### *Amendment*



(7) This Regulation should be without prejudice to the rules resulting from other Union acts, in particular Directive 2011/93 of the European Parliament and of the Council<sup>38</sup>, Directive 2000/31/EC of the European Parliament and of the Council<sup>39</sup> and Regulation (EU) .../... of the European Parliament and of the Council<sup>40</sup> ***[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]***, Directive 2010/13/EU of the European Parliament and of the Council<sup>41</sup>, Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>42</sup>, and Directive 2002/58/EC of the European

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<sup>38</sup> Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L

<sup>39</sup> Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178,

<sup>40</sup> Regulation (EU) .../... of the European Parliament and of the Council on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC (OJ L ...).

<sup>41</sup> Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media service (OJ L 95, 15.4.2010, p. 1).

(7) This Regulation should be without prejudice to the rules resulting from other Union acts, in particular Directive 2011/93 of the European Parliament and of the Council<sup>38</sup>, Directive 2000/31/EC of the European Parliament and of the Council<sup>39</sup> and Regulation (EU) **2022/2065** of the European Parliament and of the Council<sup>40</sup>, Directive 2010/13/EU of the European Parliament and of the Council<sup>41</sup>, Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>42</sup>, and Directive 2002/58/EC of the European Parliament and of the Council<sup>43</sup>.

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<sup>38</sup> Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L

<sup>39</sup> Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178,

<sup>40</sup> Regulation (EU) **2022/2065** of the European Parliament and of the Council on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC (OJ L **277/1**).

<sup>41</sup> Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media service (OJ L 95, 15.4.2010, p. 1).

<sup>42</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC

<sup>43</sup> Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector ('Directive on privacy and electronic communications') (OJ L 201, 31.7.2002, p. 37).

<sup>42</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC

<sup>43</sup> Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector ('Directive on privacy and electronic communications') (OJ L 201, 31.7.2002, p. 37).

Or. en

## Amendment 6

### Proposal for a regulation

#### Recital 8

##### *Text proposed by the Commission*

(8) This Regulation should be considered *lex specialis* in relation to the generally applicable framework set out in Regulation (EU) .../... ***[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]*** laying down harmonised rules on the provision of certain information society services in the internal market. The rules set out in Regulation (EU) .../... ***[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]*** apply in respect of issues that are not or not fully

##### *Amendment*

(8) This Regulation should be considered *lex specialis* in relation to the generally applicable framework set out in Regulation (EU) **2022/2065** laying down harmonised rules on the provision of certain information society services in the internal market. The rules set out in Regulation (EU) **2022/2065** apply in respect of issues that are not or not fully addressed by this Regulation.

Or. en

## Amendment 7

### Proposal for a regulation

#### Recital 10

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*Text proposed by the Commission*

(10) In the interest of clarity and consistency, the definitions provided for in this Regulation should, where possible and appropriate, be based on and aligned with the relevant definitions contained in other acts of Union law, such as Regulation (EU) .../... ***[on a Single Market For Digital Services (Digital Services Act) and amending***

*Amendment*

(10) In the interest of clarity and consistency, the definitions provided for in this Regulation should, where possible and appropriate, be based on and aligned with the relevant definitions contained in other acts of Union law, such as Regulation (EU) **2022/2065**.

Or. en

**Amendment 8**

**Proposal for a regulation  
Recital 11**

*Text proposed by the Commission*

*Amendment*

(11) A substantial connection to the Union should be considered to exist where the relevant information society services has an establishment in the Union or, in its absence, ***on the basis of the existence of a significant number of users*** in one or more Member States, ***or*** the targeting of activities towards one or more Member States. The targeting of activities towards one or more Member States should be determined on the basis of all relevant circumstances, including factors such as the use of a language or a currency generally used in that Member State, or the possibility of ordering products or services, or using a national top level domain. The targeting of activities towards a Member State could also be derived from the availability of a software application in the relevant national software application store, from the provision of local advertising or advertising in the language used in that Member State, or from the handling of customer relations such as by providing customer service in the language generally used in that Member State. A substantial connection should also be assumed where a service provider directs its activities to one or more Member State as set out in Article 17(1), point (c), of Regulation (EU) 1215/2012 of the European Parliament and of the Council<sup>44</sup>. Mere technical accessibility of a website from the Union should not, alone, be considered as

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<sup>44</sup> Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1).

(11) A substantial connection to the Union should be considered to exist where the relevant information society services has an establishment in the Union or, in its absence, ***where the number of recipients of the service*** in one or more Member States ***is significant in relation to its or their population, or on the basis of*** the targeting of activities towards one or more Member States. The targeting of activities towards one or more Member States should be determined on the basis of all relevant circumstances, including factors such as the use of a language or a currency generally used in that Member State, or the possibility of ordering products or services, or using a national top level domain. The targeting of activities towards a Member State could also be derived from the availability of a software application in the relevant national software application store, from the provision of local advertising or advertising in the language used in that Member State, or from the handling of customer relations such as by providing customer service in the language generally used in that Member State. A substantial connection should also be assumed where a service provider directs its activities to one or more Member State as set out in Article 17(1), point (c), of Regulation (EU) 1215/2012 of the European Parliament and of the Council<sup>44</sup>. Mere technical accessibility of a website from the Union

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<sup>44</sup> Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1).

Or. en

## Amendment 9

### Proposal for a regulation

#### Recital 15

##### *Text proposed by the Commission*

(15) Some of those providers of relevant information society services in scope of this Regulation may also be subject to an obligation to conduct a risk assessment under Regulation (EU) .../... **[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]** with respect to information that they store and disseminate to the public. For the purposes of the present Regulation, those providers may draw on such a risk assessment and complement it with a more specific assessment of the risks of use of their services for the purpose of online child

##### *Amendment*

(15) Some of those providers of relevant information society services in scope of this Regulation may also be subject to an obligation to conduct a risk assessment under Regulation (EU) **2022/2065** with respect to information that they store and disseminate to the public. For the purposes of the present Regulation, **and in order to ensure consistency and avoid duplication**, those providers may draw on such a risk assessment and complement it with a more specific assessment of the risks of use of their services for the purpose of online child sexual abuse, as required by this Regulation.

Or. en

## Amendment 10

### Proposal for a regulation

#### Recital 16

##### *Text proposed by the Commission*

##### *Amendment*

(16) In order to prevent and combat online child sexual abuse effectively, providers of hosting services and providers of publicly available interpersonal communications services should take reasonable measures to mitigate the risk of their services being misused for such abuse, as identified through the risk assessment. Providers subject to an obligation to adopt mitigation measures pursuant to Regulation (EU) .../... *[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]* may consider to which extent mitigation measures adopted to comply with that obligation, *which* may include targeted measures to protect the rights of the child, including *age verification and* parental control tools, may also serve to address the risk identified in the specific risk assessment pursuant to this Regulation, and to which extent further targeted mitigation measures may be required to comply with this Regulation.

(16) In order to prevent and combat online child sexual abuse effectively, providers of hosting services and providers of publicly available interpersonal communications services should take reasonable measures to mitigate the risk of their services being misused for such abuse, as identified through the risk assessment. Providers subject to an obligation to adopt mitigation measures pursuant to Regulation (EU) **2022/2065** may consider to which extent mitigation measures adopted to comply with that obligation. *Mitigation measures* may include *designing their online interfaces or parts thereof with the highest level of privacy, safety and security for children by default or adopting standards for protection of children, or participating in codes of conduct for protecting children*, targeted measures to protect the rights of the child, including *functionalities enabling age assurance and age scoring, and age-appropriate* parental control tools. *Enabling flagging and/or notifying mechanisms and self-reporting functionalities* may also serve to address the risk identified in the specific risk assessment pursuant to this Regulation, and to which extent further targeted mitigation measures

Or. en

## Amendment 11

### Proposal for a regulation

#### Recital 17 a (new)

*Text proposed by the Commission*

*Amendment*

*(17 a) Providers should also assess, in a separate section of their risk assessment, the voluntary use of specific technologies for the processing of personal data and other data to the extent strictly necessary to detect online child sexual abuse on their services and report it and to remove online child sexual abuse material from their services. On the basis of this separated assessment, providers may request to the competent Coordinating Authority the need of continuing, as part of their mitigation measures, using specific technologies for the processing of personal data and other data for this purposes. Following this request of the provider, the competent Coordinating Authority shall have the power to request the competent judicial authority of the Member State that designated it or another independent administrative authority of that Member State to issue an order that authorizes the provider to maintain or implement mitigation measures that consist of using specific technologies for the processing of personal and other data to the extent strictly necessary to detect, report and remove*

Or. en

## **Amendment 12**

### **Proposal for a regulation**

#### **Recital 18**

*Text proposed by the Commission*

*Amendment*

(18) In order to ensure that the objectives of this Regulation are achieved, that flexibility should be subject to the need to comply with Union law and, in particular, the requirements of this Regulation on mitigation measures. Therefore, providers of hosting services and providers of publicly available interpersonal communications services should, when designing and implementing the mitigation measures, give importance not only to ensuring their effectiveness, but also to avoiding any undue negative consequences for other affected parties, notably for the exercise of users' fundamental rights. In order to ensure proportionality, when determining which mitigation measures should reasonably be taken in a given situation, account should also be taken of the financial and technological capabilities and the size of the provider concerned. When selecting appropriate mitigation measures, providers should at least duly consider the possible measures listed in this Regulation, as well as, where appropriate, other measures such as those based on industry best practices, including as established through self-regulatory cooperation, and those contained in guidelines from the Commission. When no risk has been detected after a diligently conducted or updated risk assessment,

(18) In order to ensure that the objectives of this Regulation are achieved, that flexibility should be subject to the need to comply with Union law and, in particular, the requirements of this Regulation on mitigation measures. Therefore, providers of hosting services and providers of publicly available interpersonal communications services should, when designing and implementing the mitigation measures, give importance not only to ensuring their effectiveness, but also to avoiding any undue negative consequences for other affected parties, notably for the exercise of users' fundamental rights ***and therefore be the least intrusive as possible***. In order to ensure proportionality, when determining which mitigation measures should reasonably be taken in a given situation, account should also be taken of the financial and technological capabilities and the size of the provider concerned. When selecting appropriate mitigation measures, providers should at least duly consider the possible measures listed in this Regulation, as well as, where appropriate, other measures such as those based on industry best practices, including as established through self-regulatory cooperation, and those contained in guidelines from the Commission. When no risk has been detected after a diligently

Or. en

## **Amendment 13**

### **Proposal for a regulation**

#### **Recital 20**

*Text proposed by the Commission*

*Amendment*



(20) With a view to ensuring effective prevention and fight against online child sexual abuse, when mitigating measures ***are deemed insufficient*** to limit the risk of misuse of a certain service for the purpose of online child sexual abuse, the Coordinating Authorities designated by Member States under this Regulation should be empowered to request the issuance of detection orders. In order to avoid any undue interference with fundamental rights and to ensure proportionality, that power should be subject to a carefully balanced set of limits and safeguards. For instance, considering that child sexual abuse material tends to be disseminated through hosting services and publicly available interpersonal communications services, and that solicitation of children mostly takes place in publicly available interpersonal communications services, it should only be possible to address detection orders to

(20) With a view to ensuring effective prevention and fight against online child sexual abuse, when ***the provider refuses to cooperate by putting in place the*** mitigating measures ***aimed*** to limit the risk of misuse of a certain service for the purpose of online child sexual abuse, the Coordinating Authorities designated by Member States under this Regulation should be empowered to request, ***as a measure of last resort***, the issuance of detection orders. In order to avoid any undue interference with fundamental rights and to ensure proportionality, that power should be subject to a carefully balanced set of limits and safeguards. For instance, considering that child sexual abuse material tends to be disseminated through hosting services and publicly available interpersonal communications services, and that solicitation of children mostly takes place in publicly available interpersonal

Or. en

## Amendment 14

### Proposal for a regulation Recital 21

*Text proposed by the Commission*

*Amendment*

(21) Furthermore, as parts of those limits and safeguards, detection orders should only be issued after a diligent and objective assessment leading to the finding of a significant risk of the specific service concerned being misused for a given type of online child sexual abuse covered by this Regulation. One of the elements to be taken into account in this regard is the likelihood that the service is used to an appreciable extent, that is, beyond isolated and relatively rare instances, for such abuse. The criteria should vary so as to account of the different characteristics of the various types of online child sexual abuse at stake and of the different characteristics of the services used to engage in such abuse, as well as the related different degree of intrusiveness of the measures to be taken to execute the detection order.

(21) Furthermore, as parts of those limits and safeguards, detection orders should only be issued after a diligent and objective assessment leading to the finding of a significant risk of the specific service concerned being misused for a given type of online child sexual abuse covered by this Regulation. ***For conducting such assessment a fluent dialogue must be established between the Coordinating Authority and the provider. To this aim, it shall be possible for the Coordinating Authority to request additional information to the EU Centre, the competent data protection authorities or another public authority or entities.*** One of the elements to be taken into account in this regard is the likelihood that the service is used to an appreciable extent, that is, beyond isolated and relatively rare instances, for such abuse. ***An appreciable extent may be understood where access to child sexual abuse material may spread rapidly and widely with a particularly wide reach or other means of amplification.*** The criteria should vary so as to account of the different characteristics of the various types of online child sexual abuse at stake and of the different characteristics of the services used to engage in such abuse, as well as the related different degree of

Or. en

## Amendment 15

### Proposal for a regulation Recital 23

*Text proposed by the Commission*

*Amendment*

(23) In addition, to avoid undue interference with fundamental rights and ensure proportionality, when it is established that those requirements have been met and a detection order is to be issued, it should still be ensured that the detection order is targeted and ***specified*** so as to ensure that any such negative consequences for affected parties do not go beyond what is strictly necessary to effectively address the significant risk identified. This should concern, in particular, a limitation to an identifiable part or component of the service ***where possible without prejudice to the effectiveness of the measure***, such as specific types of channels of a publicly available interpersonal communications service, or to specific users or specific groups of users, to the extent that they can be taken in isolation for the purpose of detection, as well as the specification of the safeguards additional to the ones already expressly specified in this Regulation, such as independent auditing, the provision of additional information or access to data, or reinforced human oversight and review, and the further limitation of the duration of application of the detection order that the Coordinating Authority deems necessary. To avoid unreasonable or disproportionate outcomes, such requirements should be set after an objective and diligent assessment

(23) In addition, to avoid undue interference with fundamental rights and ensure proportionality, when it is established that those requirements have been met and a detection order is to be issued, it should still be ensured that the detection order is ***justified, proportionate or related to the specific service, users or group of users***, targeted and ***limited in time*** so as to ensure that any such negative consequences for affected parties do not go beyond what is strictly necessary to effectively address the significant risk identified. This should concern, in particular, a limitation to an identifiable part or component of the service, such as specific types of channels of a publicly available interpersonal communications service, or to specific users or specific groups of users, to the extent that they can be taken in isolation for the purpose of detection, as well as the specification of the safeguards additional to the ones already expressly specified in this Regulation, such as independent auditing, the provision of additional information or access to data, or reinforced human oversight and review, and the further limitation of the duration of application of the detection order that the Coordinating Authority deems necessary. To avoid unreasonable or disproportionate outcomes, such requirements should be set

Or. en

## **Amendment 16**

### **Proposal for a regulation**

#### **Recital 26**

*Text proposed by the Commission*

*Amendment*

(26) The measures taken by providers of hosting services and providers of publicly available interpersonal communications services to execute detection orders addressed to them should remain strictly limited to what is specified in this Regulation and in the detection orders issued in accordance with this Regulation. In order to ensure the effectiveness of those measures, allow for tailored solutions, remain technologically neutral, and avoid circumvention of the detection obligations, those measures should be taken regardless of the technologies used by the providers concerned in connection to the provision of their services. Therefore, this Regulation leaves to the provider concerned the choice of the technologies to be operated to comply effectively with detection orders and should not be understood as incentivising or disincentivising the use of any given technology, provided that the technologies and accompanying measures meet the requirements of this Regulation. ***That includes the use of end-to-end encryption technology, which is an important tool to guarantee the security and confidentiality of the communications of users, including those of children.*** When executing the detection order, providers should take all available safeguard measures to ensure that the technologies employed by them cannot be used by them or their employees for purposes other than compliance with this

(26) The measures taken by providers of hosting services and providers of publicly available interpersonal communications services to execute detection orders addressed to them should remain strictly limited to what is specified in this Regulation and in the detection orders issued in accordance with this Regulation. In order to ensure the effectiveness of those measures, allow for tailored solutions, remain technologically neutral, and avoid circumvention of the detection obligations, those measures should be taken regardless of the technologies used by the providers concerned in connection to the provision of their services. Therefore, this Regulation leaves to the provider concerned the choice of the technologies to be operated to comply effectively with detection orders and should not be understood as incentivising or disincentivising the use of any given technology, provided that the technologies and accompanying measures meet the requirements of this Regulation. When executing the detection order, providers should take all available safeguard measures to ensure that the technologies employed by them cannot be used by them or their employees for purposes other than compliance with this Regulation, nor by third parties, and thus to avoid undermining the security and confidentiality of the communications of users.

Or. en

## Amendment 17

### Proposal for a regulation Recital 26 a (new)

*Text proposed by the Commission*

*Amendment*

*(26 a) End-to-end encryption is an important tool to guarantee the security and confidentiality of the communications of users, including those of children. Any weakening of the end-to-end encryption could potentially be abused by malicious third parties. Nothing in this Regulation should therefore be interpreted as prohibiting or weakening end-to-end encryption. However, to the extent strictly necessary and proportionate to mitigate the risk of misuse of their services for the purpose of online child sexual abuse, providers should be authorised by the competent judicial authority or another independent administrative authority to process metadata that can detect suspicious patterns of behaviour without having access*

Or. en

#### **Amendment 18**

#### **Proposal for a regulation Recital 27**

*Text proposed by the Commission*

*Amendment*

(27) In order to facilitate the providers' compliance with the detection obligations, the EU Centre should make available to providers detection technologies that they may choose to use, on a free-of-charge basis, for the sole purpose of executing the detection orders addressed to them. The European Data Protection Board should be consulted on those technologies and the ways in which they should be best deployed to ensure compliance with applicable rules of Union law on the protection of personal data. The advice of the European Data Protection Board should be taken into account by the EU Centre when compiling the lists of available technologies and also by the Commission when preparing guidelines regarding the application of the detection obligations. The providers *may* operate the technologies made available by the EU Centre or by others *or* technologies that they developed themselves, as long as they meet the requirements of this Regulation.

(27) In order to facilitate the providers' compliance with the detection obligations, the EU Centre should make available to providers detection technologies that they may choose to use, on a free-of-charge basis, for the sole purpose of executing the detection orders addressed to them. The European Data Protection Board should be consulted on those technologies and the ways in which they should be best deployed to ensure compliance with applicable rules of Union law on the protection of personal data. The advice of the European Data Protection Board should be taken into account by the EU Centre when compiling the lists of available technologies and also by the Commission when preparing guidelines regarding the application of the detection obligations. The providers ***should not be limited to*** operate the technologies made available by the EU Centre or by others ***but they will always be allowed to use*** technologies that they developed themselves,

Or. en

## Amendment 19

### Proposal for a regulation

#### Recital 29

*Text proposed by the Commission*

*Amendment*

(29) Providers of hosting services and providers of publicly available interpersonal communications services are uniquely positioned to detect potential online child sexual abuse involving their services. The information that they may obtain when offering their services is often indispensable to effectively investigate and prosecute child sexual abuse offences. Therefore, ***they should be required to report on potential online child sexual abuse on their services, whenever they become aware of it, that is, when there are reasonable grounds to believe that a particular activity may constitute online child sexual abuse.*** Where such reasonable grounds exist, doubts about the potential victim's age should not prevent those providers from submitting reports. ***In the interest of effectiveness, it should be immaterial in which manner they obtain such awareness. Such awareness could, for example, be obtained through the execution of detection orders, information flagged by users or organisations acting in the public interest against child sexual abuse, or activities conducted on the providers' own initiative. Those providers should report a minimum of information, as specified in this Regulation, for competent law enforcement authorities to be able to assess whether to initiate an investigation, where relevant, and should ensure that the reports are as complete as possible before submitting them.***

(29) Providers of hosting services and providers of publicly available interpersonal communications services are uniquely positioned to detect potential online child sexual abuse involving their services. The information that they may obtain when offering their services is often indispensable to effectively investigate and prosecute child sexual abuse offences. Therefore, ***upon obtaining actual knowledge or awareness on potential child sexual abuse on their services, they should act expeditiously to remove or to disable access to that content and to report it to the EU Centre in accordance with this Regulation. The removal or disabling of access should be in the observance of the fundamental rights of the recipients of the service, including the right to freedom of expression and of information. The provider can obtain such actual knowledge or awareness on potential child sexual abuse on their services, inter alia through its own-initiative investigations, through the execution of voluntary detection orders or detection orders, as well as through information flagged by users, self-reported by victims or organisations, such as hotlines, acting in the public interest against child sexual abuse, or through notifications done by the Coordinating authorities or by the EU Centre.*** Where such reasonable grounds exist, doubts about the potential victim's age should not prevent those providers from submitting reports. ***Those reports should contain a minimum of information, as specified in this Regulation, and providers should ensure that the reports are as complete as possible before submitting them so competent law enforcement authorities***

Or. en

## Amendment 20

### Proposal for a regulation

#### Recital 30

##### *Text proposed by the Commission*

(30) To ensure that online child sexual abuse material is removed as swiftly as possible after its detection, Coordinating Authorities of establishment should have the power to request competent judicial authorities or independent administrative authorities to issue a removal order addressed to providers of hosting services. As removal or disabling of access may affect the right of users who have provided the material concerned, providers should inform such users of the reasons for the removal, to enable them to exercise their right of redress, subject to exceptions needed to avoid interfering with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences.

##### *Amendment*

(30) To ensure that online child sexual abuse material is removed as swiftly as possible after its detection, Coordinating Authorities of establishment should have the power to request competent judicial authorities or independent administrative authorities to issue a removal order addressed to providers of hosting services. As removal or disabling of access may affect the right of users who have provided the material concerned, providers should inform such users of the reasons for the removal, to enable them to exercise their right of redress, subject to exceptions needed to avoid interfering with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences. ***Removal orders should be addressed, as a general rule, to providers of relevant information society services acting as recipient of the service in accordance with Regulation (EU) 2022/2065. As an exception, where content is stored or processed as part of an infrastructure provided by another provider of a relevant information society service, the removal order may be directly addressed to it where the recipient of the service cannot be identified despite reasonable efforts on the part of the Coordinating***

Or. en

## Amendment 21

### Proposal for a regulation

#### Recital 31



*Text proposed by the Commission*

(31) The rules of this Regulation should not be understood as affecting the requirements regarding removal orders set out in Regulation (EU) .../... ***[on a Single Market For Digital Services (Digital Services Act) and amending Directive***

*Amendment*

(31) The rules of this Regulation should not be understood as affecting the requirements regarding removal orders set out in Regulation (EU) **2022/2065**.

Or. en

**Amendment 22**

**Proposal for a regulation  
Recital 33**

*Text proposed by the Commission*

(33) In the interest of consistency, efficiency and effectiveness and to minimise the risk of circumvention, such blocking orders should be based on the list of uniform resource ***locators***, leading to specific items of verified child sexual abuse, compiled and provided centrally by the EU Centre on the basis of diligently verified submissions by the relevant authorities of the Member States. In order to avoid the taking of unjustified or disproportionate measures, especially those that would unduly affect the fundamental rights at stake, notably, in addition to the rights of the children, the users' freedom of expression and information and the providers' freedom to conduct a business, appropriate limits and safeguards should be provided for. In particular, it should be ensured that the burdens imposed on the providers of internet access services concerned are not unreasonable, that the need for and proportionality of the blocking orders is diligently assessed also after their issuance and that both the providers and the users affected have effective means of

*Amendment*

(33) In the interest of consistency, efficiency and effectiveness and to minimise the risk of circumvention, such blocking orders should be based on the list of Uniform Resource ***Identifiers***, leading to specific items of verified child sexual abuse, compiled and provided centrally by the EU Centre on the basis of diligently verified submissions by the relevant authorities of the Member States. In order to avoid the taking of unjustified or disproportionate measures, especially those that would unduly affect the fundamental rights at stake, notably, in addition to the rights of the children, the users' freedom of expression and information and the providers' freedom to conduct a business, appropriate limits and safeguards should be provided for. In particular, it should be ensured that the burdens imposed on the providers of internet access services concerned are not unreasonable, that the need for and proportionality of the blocking orders is diligently assessed also after their issuance and that both the providers and the users affected have effective means of

Or. en

## Amendment 23

### Proposal for a regulation Recital 33 a (new)

*Text proposed by the Commission*

*Amendment*

***(33 a) To prevent the dissemination of the known child sexual abuse material to users in the Union, online search engines and any other artificial intelligence systems should be subject to delisting orders. Coordinating Authorities should have the power to issue a delisting order addressed to the provider of online search engines or any other artificial intelligence systems under the jurisdiction of the Member State that designated them to take reasonable measures to delist a particular resource or resources indicating specific items of***

Or. en

## Amendment 24

### Proposal for a regulation Recital 35

*Text proposed by the Commission*

*Amendment*

(35) **The** dissemination of child sexual abuse material is a criminal offence that affects the rights of the victims depicted. Victims should **therefore** have the right to obtain, upon request, from the EU Centre yet via the Coordinating Authorities, relevant information if known child sexual abuse material depicting them is reported by providers of hosting services or providers of publicly available interpersonal communications services in accordance with this Regulation.

(35) **Each act of** dissemination of child sexual abuse material is a criminal offence that affects the rights of the victims depicted. **Repeated dissemination of child sexual abuse material constitutes a form of revictimization and may reach extreme level in cases of so-called 'highly traded' material.** Victims should have the right to obtain, upon request, from the EU Centre yet via the Coordinating Authorities, relevant information if known child sexual abuse material depicting them is reported by providers of hosting services or providers of publicly available interpersonal communications services in accordance with this Regulation. **In dealing with such requests from cases of highly traded child sexual abuse material, particular care should be taken by the EU Centre and**

Or. en

## Amendment 25

### Proposal for a regulation

#### Recital 36

*Text proposed by the Commission*

*Amendment*

(36) Given the impact on the rights of victims depicted in such known child sexual abuse material and the typical ability of providers of hosting services to limit that impact by helping ensure that the material is no longer available on their services, those providers should assist victims who request the removal or disabling of access of the material in question. That assistance should remain limited to what can reasonably be asked from the provider concerned under the given circumstances, having regard to factors such as the content and scope of the request, the steps needed to locate the items of known child sexual abuse material concerned and the means available to the provider. The assistance could consist, for example, of helping to locate the items, carrying out checks and removing or disabling access to the items. Considering that carrying out the activities needed to obtain such removal or disabling of access can be painful or even traumatic as well as complex, victims should also have the right to be assisted by the EU Centre in this regard, via the Coordinating Authorities.

(36) Given the impact on the rights of victims depicted in such known child sexual abuse material and the typical ability of providers of hosting services to limit that impact by helping ensure that the material is no longer available on their services, those providers should assist victims who request the removal or disabling of access of the material in question. ***Parents or guardians should have equal legal standing to exercise victim's rights when the victim is not able to do so due to age or other limitations.*** That assistance should remain limited to what can reasonably be asked from the provider concerned under the given circumstances, having regard to factors such as the content and scope of the request, the steps needed to locate the items of known child sexual abuse material concerned and the means available to the provider. The assistance could consist, for example, of helping to locate the items, carrying out checks and removing or disabling access to the items. Considering that carrying out the activities needed to obtain such removal or disabling of access can be painful or even traumatic as well as complex, victims should also have the right to be assisted by the EU Centre in this

Or. en

## Amendment 26

### Proposal for a regulation

#### Recital 38

*Text proposed by the Commission*

*Amendment*

(38) For the purpose of facilitating the exercise of the victims' right to information and of assistance and support for removal or disabling of access, victims should be allowed to indicate the relevant item or items of child sexual abuse material in respect of which they are seeking to obtain information or removal or disabling of access either by means of providing the image or images or the video or videos themselves, or by means of providing the uniform resource **locators** leading to the specific item or items of child sexual abuse material, or by means of any other representation allowing for the unequivocal identification of the item or

(38) For the purpose of facilitating the exercise of the victims' right to information and of assistance and support for removal or disabling of access, victims should be allowed to indicate the relevant item or items of child sexual abuse material in respect of which they are seeking to obtain information or removal or disabling of access either by means of providing the image or images or the video or videos themselves, or by means of providing the Uniform Resource **Identifiers** leading to the specific item or items of child sexual abuse material, or by means of any other representation allowing for the unequivocal identification of the item

Or. en

#### **Amendment 27**

#### **Proposal for a regulation**

#### **Recital 40**

*Text proposed by the Commission*

*Amendment*

(40) In order to facilitate smooth and efficient communications by electronic means, including, where relevant, by acknowledging the receipt of such communications, relating to matters covered by this Regulation, providers of relevant information society services should be required to designate a single point of contact and to publish relevant information relating to that point of contact, including the languages to be used in such communications. In contrast to the provider's legal representative, the point of contact should serve operational purposes and should not be required to have a physical location. Suitable conditions should be set in relation to the languages of communication to be specified, so as to ensure that smooth communication is not unreasonably complicated. For providers subject to the obligation to establish a compliance function and nominate compliance officers in accordance with Regulation (EU) .../... *[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]*, one of these compliance officers may be designated as the

(40) In order to facilitate smooth and efficient communications by electronic means, including, where relevant, by acknowledging the receipt of such communications, relating to matters covered by this Regulation, providers of relevant information society services should be required to designate a single point of contact and to publish relevant information relating to that point of contact, including the languages to be used in such communications. In contrast to the provider's legal representative, the point of contact should serve operational purposes and should not be required to have a physical location. Suitable conditions should be set in relation to the languages of communication to be specified, so as to ensure that smooth communication is not unreasonably complicated. For providers subject to the obligation to establish a compliance function and nominate compliance officers in accordance with Regulation (EU) **2022/2065**, one of these compliance officers may be designated as the point of contact under this Regulation, in order to facilitate coherent implementation of the obligations arising

Or. en

## **Amendment 28**

### **Proposal for a regulation**

#### **Recital 42**

*Text proposed by the Commission*

*Amendment*

(42) Where relevant and convenient, subject to the choice of the provider of relevant information society services and the need to meet the applicable legal requirements in this respect, it should be possible for those providers to designate a single point of contact and a single legal representative for the purposes of Regulation (EU) .../... *[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]* and this

(42) Where relevant and convenient, subject to the choice of the provider of relevant information society services and the need to meet the applicable legal requirements in this respect, it should be possible for those providers to designate a single point of contact and a single legal representative for the purposes of Regulation (EU) 2022/2065 and this Regulation.

Or. en

## **Amendment 29**

### **Proposal for a regulation Recital 48**

*Text proposed by the Commission*

*Amendment*

(48) Given the need to ensure the effectiveness of the obligations imposed, Coordinating Authorities should be granted enforcement powers to address infringements of this Regulation. These powers should include the power to temporarily restrict access of users of the service concerned by the infringement or, only where that is not technically feasible, to the online interface of the provider on which the infringement takes place. In light of the high level of interference with the rights of the service providers that such a power entails, the latter should only be exercised when certain conditions are met. Those conditions should include the condition that the infringement results in the regular and structural facilitation of child sexual abuse offences, which should be understood as referring to a situation in which it is apparent from all available evidence that such facilitation has occurred on a large scale and over an extended period of time.

(48) Given the need to ensure the effectiveness of the obligations imposed, Coordinating Authorities should be granted enforcement powers to address infringements of this Regulation. These powers should include the power ***to request the competent judicial authority or independent administrative authority of the Member State that designated them*** to temporarily restrict access of users of the service concerned by the infringement or, only where that is not technically feasible, to the online interface of the provider on which the infringement takes place. In light of the high level of interference with the rights of ***the users and*** the service providers that such a power entails, the latter should only be exercised when certain conditions are met. Those conditions should include the condition that the infringement results in the regular and structural facilitation of child sexual abuse offences, which should be understood as referring to a situation in which it is apparent from all available

Or. en

## Amendment 30

### Proposal for a regulation

#### Recital 49

*Text proposed by the Commission*

*Amendment*



(49) In order to verify that the rules of this Regulation, in particular those on mitigation measures and on the execution of detection orders, removal **orders or** blocking orders that it issued, are effectively complied in practice, each Coordinating Authority should be able to carry out searches, using the relevant indicators provided by the EU Centre, to detect the dissemination of known or new child sexual abuse material through publicly available material in the hosting services of the providers concerned.

(49) In order to verify that the rules of this Regulation, in particular those on mitigation measures and on the execution of **voluntary** detection orders, **detection**, removal, blocking **or delisting** orders that it issued, are effectively complied in practice, each Coordinating Authority should be able to carry out searches, using the relevant indicators provided by the EU Centre, to detect the dissemination of known or new child sexual abuse material through publicly available material in the hosting services of

Or. en

## Amendment 31

### Proposal for a regulation Recital 53

#### *Text proposed by the Commission*

(53) Member States should ensure that for infringements of the obligations laid down in this Regulation there are penalties that are effective, proportionate and dissuasive, taking into account elements such as the nature, gravity, recurrence and duration of the infringement, in view of the public interest pursued, the scope and kind of activities carried out, as well as the economic capacity of the provider of relevant information society services concerned.

#### *Amendment*

(53) Member States should ensure that for infringements of the obligations laid down in this Regulation there are penalties **which can be of an administrative or penal nature, as well as, where appropriate, fining guidelines** that are effective, proportionate and dissuasive, taking into account elements such as the nature, gravity, recurrence and duration of the infringement, in view of the public interest pursued, the scope and kind of activities carried out, as well as the economic capacity of the provider of relevant information society services concerned. **Particularly severe penalties should be imposed on the providers of relevant information society services in the event that the latter systematically or persistently fail to comply with the obligations set out in this Regulation. Member States should ensure that those penalties do not encourage the over reporting or the**

## Amendment 32

### Proposal for a regulation

#### Recital 64

##### *Text proposed by the Commission*

(64) Given the sensitivity of the data concerned and with a view to avoiding any errors and possible misuse, it is necessary to lay down strict rules on the access to those databases of indicators and databases of reports, on the data contained therein and on their security. In particular, the data concerned should not be stored for longer than is strictly necessary. For the above reasons, access to the database of indicators should be given only to the parties and for the purposes specified in this Regulation, subject to the controls by the EU Centre, and be limited in time and in scope to what is

##### *Amendment*

(64) Given the sensitivity of the data concerned and with a view to avoiding any errors and possible misuse, it is necessary to lay down strict rules on the access to those databases of indicators and databases of reports, on the data contained therein and on their security. In particular, the data concerned should not be stored for longer than is strictly necessary. For the above reasons, access to the database of indicators should be given only ***upon request*** to the parties and for the purposes specified in this Regulation, subject to the controls by the EU Centre, and be limited in time and in scope

Or. en

## Amendment 33

### Proposal for a regulation

#### Recital 65

##### *Text proposed by the Commission*

##### *Amendment*

(65) In order to avoid erroneous reporting of online child sexual abuse under this Regulation and to allow law enforcement authorities to focus on their core investigatory tasks, reports should pass through the EU Centre. ***The EU Centre should assess those reports in order to identify those that are*** manifestly unfounded, ***that is***, where it is immediately evident, without any substantive legal or factual analysis, that the reported activities do not constitute online child sexual abuse. ***Where the report is manifestly unfounded***, the EU Centre should provide feedback to the reporting provider of hosting services or provider of publicly available interpersonal communications services in order to allow for improvements in the technologies and processes used and for other appropriate steps, such as reinstating material wrongly removed. ***As*** every report could ***be*** an important means to investigate and prosecute the child sexual abuse offences concerned and to rescue the victim of the abuse, ***reports should be processed as quickly as possible.***

(65) In order to avoid erroneous reporting of online child sexual abuse under this Regulation and to allow law enforcement authorities to focus on their core investigatory tasks, reports should pass through the EU Centre ***and*** those reports ***should be assessed in a timely manner to ensure that a decision on the criminal relevance of the reported material is made as early as possible and to limit the retention of irrelevant data as far as possible. Reports will be considered*** manifestly unfounded, where it is immediately evident, without any substantive legal or factual analysis, that the reported activities do not constitute online child sexual abuse. ***In these cases***, the EU Centre should provide feedback to the reporting provider of hosting services or provider of publicly available interpersonal communications services in order to allow for improvements in the technologies and processes used and for other appropriate steps, such as reinstating material wrongly removed. ***Where the EU Centre considers that a report is not manifestly unfounded, it should forward the report to the competent law enforcement authority or authorities of the Member State likely to have jurisdiction to investigate or prosecute the potential child sexual abuse to which the report relates or to Europol in those cases where that competent law enforcement authority or those competent law enforcement authorities cannot be determined with sufficient certainty. Even in cases where the competent national law enforcement authority has been identified, the EU Centre should forward all not manifestly unfounded reports to Europol, in accordance with Union law, determining the purpose or purposes for which it is to be processed by Europol as well as the conditions for such processing. As long as what constitutes an actionable report may differ from one Member State to another,***

## **Amendment 34**

### **Proposal for a regulation**

#### **Recital 68**

##### *Text proposed by the Commission*

(68) Processing and storing certain personal data is necessary for the performance of the EU Centre's tasks under this Regulation. In order to ensure that such personal data is adequately protected, the EU Centre should only process and store personal data if strictly necessary for the purposes detailed in this Regulation. It should do so in a secure manner and limit storage to what is strictly necessary for the performance of the relevant tasks.

##### *Amendment*

(68) Processing and storing certain personal data is necessary for the performance of the EU Centre's tasks under this Regulation. In order to ensure that such personal data is adequately protected, the EU Centre should only process and store personal data if strictly necessary for the purposes detailed in this Regulation. It should do so in a secure ***and supervised*** manner and limit storage to what is strictly necessary for the performance of the relevant

Or. en

## **Amendment 35**

### **Proposal for a regulation**

#### **Recital 70**

##### *Text proposed by the Commission*

##### *Amendment*

(70) Longstanding Union support for both INHOPE and its member hotlines recognises that hotlines are in the frontline in the fight against online child sexual abuse. The EU Centre should leverage the network of hotlines and encourage that they **work together** effectively with the Coordinating Authorities, providers of relevant information society services and law enforcement authorities of the Member States. The hotlines' expertise and experience is an invaluable source of information on the early identification of common threats and solutions, as well as on regional and national differences across the Union.

(70) Longstanding Union support for both INHOPE and its member hotlines recognises that hotlines are in the frontline in the fight against online child sexual abuse. The EU Centre should leverage the network of hotlines, **conclude, when necessary, memoranda of understanding with them,** and encourage that they **cooperate and coordinate** effectively with the Coordinating Authorities, providers of relevant information society services and law enforcement authorities of the Member States. The hotlines' expertise and experience is an invaluable source of information on the early identification of common threats and solutions, as well as on

Or. en

## Amendment 36

### Proposal for a regulation

#### Recital 71

##### *Text proposed by the Commission*

(71) Considering Europol's mandate and its experience in identifying competent national authorities in unclear situation and its database of criminal intelligence which can contribute to identifying links to investigations in other Member States, the EU Centre should cooperate closely with it, especially in order to ensure the swift identification of competent national law enforcement authorities in cases where that is not clear or where more than one Member State may be affected.

##### *Amendment*

(71) Considering Europol's mandate and its experience in identifying competent national authorities in unclear situation and its database of criminal intelligence which can contribute to identifying links to investigations in other Member States, the EU Centre should cooperate closely with it, especially in order to ensure the swift identification of competent national law enforcement authorities in cases where that is not clear or where more than one Member State may be affected. ***The EU Centre, while being an independent entity, should maximise efficiency by sharing, where possible, support functions with Europol***

Or. en

## Amendment 37

### Proposal for a regulation Recital 72

#### *Text proposed by the Commission*

(72) ***Considering the need for the EU Centre to cooperate intensively with Europol, the EU Centre's headquarters should be located alongside Europol's, which is located in The Hague, the Netherlands. The highly sensitive nature of the reports shared with Europol by the EU Centre and the technical requirements, such as on secure data connections, both benefit from a shared location between the EU Centre and Europol. It would also allow the EU Centre, while being an independent entity, to rely on the support services of Europol, notably those regarding human resources management, information technology (IT), including cybersecurity, the building and communications. Sharing such support services is more cost-efficient and ensure a more professional service***

#### *Amendment*

(72) ***The arrangements concerning the seat of the EU Centre should be laid down in a headquarters agreement between the EU Centre and the host Member State. The headquarters agreement should stipulate the conditions of establishment of the seat and the advantages conferred by the Member State on the EU Centre and its staff. In line with point 9 of the Common Approach of 19 July 2012 on the location of the seats of decentralised agencies, the EU Centre should conclude a headquarters agreement with the host Member State in a timely manner before it starts its operational phase. In light of the case-law of the Court of Justice, the choice of the location of the seat should be made in accordance with the ordinary legislative procedure and should comply with the***

Or. en

## Amendment 38

### Proposal for a regulation Recital 74 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

*(74 a) One of the pillars of this Regulation is the assistance and support of victims of child sexual abuse. In order to better understand and address victims' individual needs is essential to create a forum where victims' organizations are heard and the EU Center can learn from their experience, expertise and knowledge. The Victims' Consultative Forum will play a key role in advising the EU Center in its approach to*

Or. en

## Amendment 39

### Proposal for a regulation

#### Recital 84

#### *Text proposed by the Commission*

(84) The European Data Protection Supervisor and the European Data Protection Board were consulted in accordance with Article 42(2) of Regulation (EU) 2018/1725 of the European Parliament and of the Council<sup>48</sup> and delivered their opinion on [...].

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<sup>48</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p.

#### *Amendment*

(84) The European Data Protection Supervisor and the European Data Protection Board were consulted in accordance with Article 42(2) of Regulation (EU) 2018/1725 of the European Parliament and of the Council<sup>48</sup> and delivered their **joint** opinion on **the 28th of July of 2022**.

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<sup>48</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p.

Or. en

## Amendment 40

### Proposal for a regulation

#### Article 1 – paragraph 1 – subparagraph 2 – point d a (new)

*Text proposed by the Commission*

*Amendment*

**(d a) obligations on providers of online search engines and any other artificial intelligence systems to delist and/or dissable specific items of child sexual abuse;**

Or. en

## Amendment 41

### Proposal for a regulation

#### Article 1 – paragraph 3 – point b

*Text proposed by the Commission*

*Amendment*

(b) Directive 2000/31/EC and Regulation (EU) .../... **[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC];**

(b) Directive 2000/31/EC and Regulation (EU) **2022/2065;**

Or. en

## Amendment 42

### Proposal for a regulation

#### Article 1 – paragraph 3 – point d a (new)

*Text proposed by the Commission*

*Amendment*

**(d a) Regulation (EU) .../... on Artificial Intelligence (Artificial Intelligence Act).**

Or. en



## Amendment 43

### Proposal for a regulation

#### Article 2 – paragraph 1 – point a

##### *Text proposed by the Commission*

(a) ‘hosting service’ means an information society service as defined in Article 2, point (f), third indent, of Regulation (EU) .../... ***[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]***;

##### *Amendment*

(a) ‘hosting service’ means an information society service as defined in Article 3, point (g), third indent, of Regulation (EU) **2022/2065**;

Or. en

## Amendment 44

### Proposal for a regulation

#### Article 2 – paragraph 1 – point c

##### *Text proposed by the Commission*

(c) ‘software application’ means a digital product or service as defined in Article 2, point 13, of Regulation (EU) .../... ***[on contestable and fair markets in the digital sector (Digital Markets Act)]***;

##### *Amendment*

(c) ‘software application’ means a digital product or service as defined in Article 2, point 15, of Regulation (EU) **2022/1925**;

Or. en

## Amendment 45

### Proposal for a regulation

#### Article 2 – paragraph 1 – point d

##### *Text proposed by the Commission*

(d) ‘software application store’ means a service as defined in Article 2, point 12, of Regulation (EU) .../... ***[on contestable and fair markets in the digital sector (Digital Markets Act)]***;

##### *Amendment*

(d) ‘software application store’ means a service as defined in Article 2, point 14, of Regulation (EU) **2022/1925** ***[on contestable and fair markets in the digital sector (Digital Markets Act)]***;

#### **Amendment 46**

##### **Proposal for a regulation**

##### **Article 2 – paragraph 1 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

**(e a) “online search engine” means an intermediary service as defined in Article 3 point (j) of Regulation (EU) 2022/2065;**

Or. en

#### **Amendment 47**

##### **Proposal for a regulation**

##### **Article 2 – paragraph 1 – point e b (new)**

*Text proposed by the Commission*

*Amendment*

**(e b) ‘intermediary service’ means a service as defined in Article 3 point (g) of Regulation (EU) 2022/2065;**

Or. en

#### **Amendment 48**

##### **Proposal for a regulation**

##### **Article 2 – paragraph 1 – point e c (new)**

*Text proposed by the Commission*

*Amendment*

**(e c) ‘artificial intelligence system’ (AI system) means software as defined in Article 3(1) of Regulation (EU) .../... on Artificial Intelligence (Artificial**

Or. en

## Amendment 49

### Proposal for a regulation

#### Article 2 – paragraph 1 – point f – point iv a (new)

*Text proposed by the Commission*

*Amendment*

**(iv a) an online search engine;**

Or. en

## Amendment 50

### Proposal for a regulation

#### Article 2 – paragraph 1 – point f – point iv b (new)

*Text proposed by the Commission*

*Amendment*

**(iv b) an artificial intelligence system.**

Or. en

## Amendment 51

### Proposal for a regulation

#### Article 2 – paragraph 1 – point g

*Text proposed by the Commission*

*Amendment*

(g) ‘to offer services in the Union’ means to offer services in the Union as defined in Article 2, point (d), of Regulation (EU) .../... **[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC];**

(g) ‘to offer services in the Union’ means to offer services in the Union as defined in Article 3, point (d), of Regulation (EU) **2022/2065;**

Or. en

## Amendment 52

### Proposal for a regulation

#### Article 2 – paragraph 1 – point j

*Text proposed by the Commission*

*Amendment*

(j) ‘child user’ means a natural person ~~deleted~~  
who uses a relevant information society  
service and who is a natural person below  
the age of 17 years;

Or. en

*Justification*

A “child user” is a “child” as defined in point (i) and a “user” as defined in point (h) thus this would be redundant.

## Amendment 53

### Proposal for a regulation

#### Article 2 – paragraph 1 – point m

*Text proposed by the Commission*

*Amendment*

(m) ‘known child sexual abuse material’  
means **potential** child sexual abuse material  
detected using the indicators contained in the  
database of indicators referred to in Article  
44(1), point (a);

(m) ‘known child sexual abuse material’  
means child sexual abuse material detected  
using the indicators contained in the database  
of indicators referred to in Article 44(1),  
point (a);

Or. en

## Amendment 54

### Proposal for a regulation

#### Article 2 – paragraph 1 – point q a (new)

*Text proposed by the Commission*

*Amendment*

(q a) ‘victim’ means:

*Person residing in the European Union who being under 18 suffered child sexual abuse offences. For the purpose of exercising the victim's rights recognised in this Regulation, parents and guardians are to be considered victims.*

Or. en

## Amendment 55

### Proposal for a regulation

#### Article 2 – paragraph 1 – point r

##### *Text proposed by the Commission*

(r) ‘recommender system’ means the system as defined in Article 2, point (o), of Regulation (EU) .../... *[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]*;

##### *Amendment*

(r) ‘recommender system’ means the system as defined in Article 3, point (s), of Regulation (EU) 2022/2065;

Or. en

## Amendment 56

### Proposal for a regulation

#### Article 2 – paragraph 1 – point t

##### *Text proposed by the Commission*

(t) ‘content moderation’ means the activities as defined in Article 2, point (p), of Regulation (EU) .../... *[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]*;

##### *Amendment*

(t) ‘content moderation’ means the activities as defined in Article 3, point (t), of Regulation (EU) 2022/2065;

Or. en

## Amendment 57

### Proposal for a regulation

#### Article 2 – paragraph 1 – point v

##### *Text proposed by the Commission*

(v) ‘terms and conditions’ means terms and conditions as defined in Article 2, point (q), of Regulation (EU) .../... ***[on a Single Market For Digital Services (Digital Services Act) and amending Directive***

##### *Amendment*

(v) ‘terms and conditions’ means terms and conditions as defined in Article 3, point (u), of Regulation (EU) **2022/2065**;

Or. en

## Amendment 58

### Proposal for a regulation

#### Article 2 – paragraph 1 – point w a (new)

##### *Text proposed by the Commission*

##### *Amendment*

***(w a) ‘metadata’ means data processed for the purposes of transmitting, distributing or exchanging content data; including data used to trace and identify the source and destination of a communication, data on the location and the date, time, duration and the type of communication;***

Or. en

## Amendment 59

### Proposal for a regulation

#### Article 2 – paragraph 1 – point w b (new)

##### *Text proposed by the Commission*

##### *Amendment*

*(w b) ‘hotline’ means an organisation officially recognised by its Member State of establishment that provides a mechanism, other than the reporting channels provided by law enforcement authorities, for receiving anonymous complaints from victims and the public about alleged child*

Or. en

## **Amendment 60**

### **Proposal for a regulation Article 3 – paragraph 1**

*Text proposed by the Commission*

1. Providers of hosting services and providers of interpersonal communications services shall identify, analyse and assess, for each such service that they offer, the risk of use of the service for the purpose of online child sexual abuse.

*Amendment*

1. Providers of hosting services and providers of interpersonal communications services shall identify, analyse and assess, for each such service that they offer, the risk of use of the service for the purpose of online child sexual abuse. *To this end, providers subject to an obligation to conduct a risk assessment under Regulation (EU) 2022/2065 may draw on that risk assessment and complement it with a more specific assessment of the risks of use of their services for the purpose of online child*

Or. en

## **Amendment 61**

### **Proposal for a regulation Article 3 – paragraph 2 – point b – indent 3**

*Text proposed by the Commission*

*Amendment*

— functionalities enabling age *verification*;

— functionalities enabling age *assurance and age scoring, without prejudice to other mechanisms that enable age-verification, with particular consideration to the impacts of such*

Or. en

## Amendment 62

### Proposal for a regulation

#### Article 3 – paragraph 2 – point b – indent 4

##### *Text proposed by the Commission*

— functionalities enabling users to flag online child sexual abuse to the provider through tools that are easily accessible and age-appropriate;

##### *Amendment*

— functionalities enabling users to flag ***or notify*** online child sexual abuse to the provider through tools that are easily accessible and age-appropriate, ***including already available anonymous reporting channels as defined by Directive EU***

Or. en

## Amendment 63

### Proposal for a regulation

#### Article 3 – paragraph 2 – point b – indent 4 a (new)

##### *Text proposed by the Commission*

##### *Amendment*

- ***functionalities enabling age-appropriate parental controls;***

Or. en

## Amendment 64

### Proposal for a regulation

#### Article 3 – paragraph 2 – point b – indent 4 b (new)



*Text proposed by the Commission*

*Amendment*

- ***functionalities enabling self-***

Or. en

## **Amendment 65**

### **Proposal for a regulation**

#### **Article 3 – paragraph 2 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(b a) the capacity, having regard to the state of the art, to meaningfully deal with reports and notifications about child sexual abuse in a timely manner;***

Or. en

## **Amendment 66**

### **Proposal for a regulation**

#### **Article 3 – paragraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

(c) the manner in which users use the service and the impact thereof on that risk;

(c) the manner in which users use the service and the ***negative*** impact thereof on

Or. en

## **Amendment 67**

### **Proposal for a regulation**

#### **Article 3 – paragraph 2 – point d**

*Text proposed by the Commission*

*Amendment*

(d) the manner in which the provider designed and operates the service, including the business model, governance and relevant systems and processes, and the impact thereof on that risk;

(d) the manner in which the provider designed and operates the service, including the business model, governance, ***type of users targeted***, and relevant systems and processes, and the ***negative*** impact thereof

Or. en

## Amendment 68

### Proposal for a regulation

#### Article 3 – paragraph 2 – point e – point i

*Text proposed by the Commission*

(i) the extent to which the service is used or is likely to be used by children;

*Amendment*

(i) the extent to which the service is used or is likely to be used by children ***and the extent to which the service is targeting child***

Or. en

## Amendment 69

### Proposal for a regulation

#### Article 3 – paragraph 2 – point e – point iii – indent 1 a (new)

*Text proposed by the Commission*

*Amendment*

- ***enabling unsolicited contact for users and, in particular, for adult users to engage and connect with unknown child***

Or. en

## Amendment 70

### Proposal for a regulation

#### Article 3 – paragraph 2 – point e – point iii – indent 2

*Text proposed by the Commission*

*Amendment*

— enabling users to establish contact with other users directly, in particular through private communications;

— enabling users to establish contact with other users directly, in particular ***on services directly targeting child users or*** through private communications;

Or. en

## **Amendment 71**

### **Proposal for a regulation**

#### **Article 3 – paragraph 2 – point e – point iii – indent 3**

*Text proposed by the Commission*

— enabling users to share ***images or videos*** with other users, in particular through private communications.

*Amendment*

— enabling users to share ***content*** with other users, in particular through private communications.

Or. en

## **Amendment 72**

### **Proposal for a regulation**

#### **Article 3 – paragraph 2 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

***(e a) any other functionalities.***

Or. en

## **Amendment 73**

### **Proposal for a regulation**

#### **Article 3 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2 a.** *The provider, where applicable, shall assess, in a separate section of its risk assessment, the voluntary use of specific technologies for the processing of personal and other data to the extent strictly necessary to detect, to report and to remove online child sexual abuse material from its*

Or. en

#### **Amendment 74**

##### **Proposal for a regulation**

##### **Article 3 – paragraph 3 – subparagraph 1**

###### *Text proposed by the Commission*

The provider may request the EU Centre to perform *an analysis of representative, anonymized* data samples *to identify potential online child sexual abuse*, to support the risk assessment.

###### *Amendment*

The provider may request the EU Centre to perform *a test on* data samples *made available to the EU Centre* to support the risk assessment.

*Neither this request nor its subsequent analysis that the EU Centre may perform shall exempt the provider from its obligation to conduct the risk assessment in accordance with paragraphs 1 and 2 of this Article and to comply with other obligations*

Or. en

#### **Amendment 75**

##### **Proposal for a regulation**

##### **Article 3 – paragraph 3 – subparagraph 2**

###### *Text proposed by the Commission*

###### *Amendment*

The costs incurred by the EU Centre for the performance of such an analysis shall be borne by the requesting provider. However, the EU Centre **shall** bear those costs where the provider is a micro, small or medium-sized enterprise, provided the request is reasonably necessary to support the risk

The costs incurred by the EU Centre for the performance of such an analysis shall be borne by the requesting provider. However, the EU Centre **may** bear those costs where the provider is a micro, small or medium-sized enterprise, provided the request is reasonably necessary to support the risk

Or. en

## Amendment 76

### Proposal for a regulation

#### Article 3 – paragraph 4 – subparagraph 2 – point a

##### *Text proposed by the Commission*

(a) for a service which is subject to a detection order issued in accordance with Article 7, the provider shall update the risk assessment at the latest **two** months before the expiry of the period of application of the

##### *Amendment*

(a) for a service which is subject to a detection order issued in accordance with Article 7, the provider shall update the risk assessment at the latest **four** months before the expiry of the period of application of the

Or. en

## Amendment 77

### Proposal for a regulation

#### Article 4 – paragraph 1 – introductory part

##### *Text proposed by the Commission*

1. Providers of hosting services and providers of interpersonal communications services shall **take** reasonable mitigation measures, tailored to the risk identified pursuant to Article 3, **to minimise** that risk. Such measures shall include some or all of the following:

##### *Amendment*

1. Providers of hosting services and providers of interpersonal communications services shall **put in place** reasonable, **proportionate, targeted and effective** mitigation measures, tailored to **their services and** the risk identified pursuant to Article 3, **with the aim of mitigating** that risk. Such measures shall include some or all

Or. en

## Amendment 78

### Proposal for a regulation

#### Article 4 – paragraph 1 – point a

##### *Text proposed by the Commission*

(a) adapting, through appropriate technical and operational measures and staffing, the provider's content moderation or recommender systems, its decision-making processes, the operation or functionalities of the service, or the content or enforcement of its terms and conditions;

##### *Amendment*

(a) adapting, through appropriate technical and operational measures and staffing, the provider's content moderation or recommender systems, its decision-making processes, the operation or functionalities of the service, or the content or enforcement of its terms and conditions, ***including the speed, quality and effectiveness of processing notices and reports related to online child sexual abuse and, where appropriate, the expeditious removal of the***

Or. en

## Amendment 79

### Proposal for a regulation

#### Article 4 – paragraph 1 – point a a (new)

##### *Text proposed by the Commission*

##### *Amendment*

***(a a) adapting the design, features and functions of their services in order to ensure a high level of privacy, safety, and security by design and by default, in particular, for children;***

Or. en

## Amendment 80

### Proposal for a regulation

#### Article 4 – paragraph 1 – point a b (new)

**(a b) enabling age-appropriate parental control tools;**

Or. en

## **Amendment 81**

### **Proposal for a regulation**

#### **Article 4 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) initiating or adjusting cooperation, in accordance with competition law, with other providers of hosting services or providers of interpersonal communication services, public authorities, civil society organisations or, where applicable, entities awarded the status of trusted flaggers in accordance with Article 19 of Regulation (EU) .../... **[on a Single Market For Digital Services (Digital Services Act) and amending Directive**

*Amendment*

(c) initiating or adjusting cooperation, in accordance with competition law, with other providers of hosting services or providers of interpersonal communication services, public authorities, **hotlines**, civil society organisations or, where applicable, entities awarded the status of trusted flaggers in accordance with Article 22 of Regulation (EU) 2022/2065 .

Or. en

## **Amendment 82**

### **Proposal for a regulation**

#### **Article 4 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

**(c a) reinforcing awareness-raising measures and adapting their online interface for increased user information, including child-appropriate information targeted to the risk identified;**

Or. en

## **Amendment 83**

### **Proposal for a regulation**

#### **Article 4 – paragraph 1 – point c b (new)**

*Text proposed by the Commission*

*Amendment*

***(c b) enabling users to flag or notify online child sexual abuse to the provider through tools that are easily accessible and age-appropriate, including already anonymous reporting channels as defined by Directive EU 2019/1937;***

Or. en

## **Amendment 84**

### **Proposal for a regulation**

#### **Article 4 – paragraph 1 – point c c (new)**

*Text proposed by the Commission*

*Amendment*

***(c c) enabling safe self-reporting***

Or. en

## **Amendment 85**

### **Proposal for a regulation**

#### **Article 4 – paragraph 1 – point c d (new)**

*Text proposed by the Commission*

*Amendment*

***(c d) including clearly visible and identifiable age rating information;***

Or. en



## Amendment 86

### Proposal for a regulation

#### Article 4 – paragraph 1 – point c e (new)

*Text proposed by the Commission*

*Amendment*

**(c e) developing awareness systems to alert the users of potential infringement of this Regulation;**

Or. en

## Amendment 87

### Proposal for a regulation

#### Article 4 – paragraph 1 – point c f (new)

*Text proposed by the Commission*

*Amendment*

**(c f) using any other measures in accordance with the current or future state of the art which are fit to mitigate the**

Or. en

## Amendment 88

### Proposal for a regulation

#### Article 4 – paragraph 2 – point a

*Text proposed by the Commission*

*Amendment*

(a) effective in mitigating the identified risk;

(a) effective in mitigating the identified risk, **taking into account the characteristics of the service provided and the manner in which that service is used;**

Or. en

## Amendment 89

### Proposal for a regulation

#### Article 4 – paragraph 2 – point b

##### *Text proposed by the Commission*

(b) targeted and proportionate in relation to that risk, taking into account, in particular, the ***seriousness of the risk as well as the*** provider's financial and technological capabilities and the number of users;

##### *Amendment*

(b) targeted and proportionate in relation to that risk, taking into account, in particular, the provider's financial and technological capabilities and the number of users;

Or. en

##### *Justification*

*"Seriousness" is an abstract and vague legal term. The risk has already been assessed and identified (risk assessment) by the providers.*

## Amendment 90

### Proposal for a regulation

#### Article 4 – paragraph 3

##### *Text proposed by the Commission*

3. Providers of interpersonal communications services that have identified, pursuant to the risk assessment conducted or updated in accordance with Article 3, a risk of use of their services for the purpose of the solicitation of children, shall take the necessary age ***verification and age assessment*** measures to reliably identify child users on their services, enabling them

##### *Amendment*

3. Providers of interpersonal communications services that have identified, pursuant to the risk assessment conducted or updated in accordance with Article 3, a risk of use of their services for the purpose of the solicitation of children, shall take the necessary age ***assurance*** measures to reliably identify child users on their services, enabling them to take the

Or. en

## Amendment 91

### Proposal for a regulation

#### Article 4 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

**4 a. On the basis of the separate risk assessment submitted according to Article 3 (2a), providers may request the Coordinating Authority of establishment to proceed in accordance with Article 5a based on the need of continuing, as part of their mitigation measures, to use specific technologies for the processing of personal and other data to the extent strictly necessary and proportionate to mitigate the risk of misuse of their services for the**

Or. en

## **Amendment 92**

### **Proposal for a regulation**

#### **Article 5 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

(b) any mitigation measures taken pursuant to Article 4.

(b) any mitigation measures **both** taken **and requested** pursuant to Article 4.

Or. en

## **Amendment 93**

### **Proposal for a regulation**

#### **Article 5 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

Where necessary for that assessment, that Coordinating Authority may **require further information from the provider, within a reasonable time period set by that Coordinating Authority. That time period shall not be longer than two weeks.**

Where necessary for that assessment, that Coordinating Authority may:

Or. en

*Justification*

*Moving Article 7.2 of the proposal here to reinforce the consultation and exchange of information between the provider and the coordinating authority prior to any decision pursuant to Article 7.*

**Amendment 94**

**Proposal for a regulation**

**Article 5 – paragraph 3 – subparagraph 1 – point a (new)**

*Text proposed by the Commission*

*Amendment*

***(a) carry out the consultations with the provider that it may deem necessary to determine whether the requirements of Articles 3 and 4 have been met;***

Or. en

**Amendment 95**

**Proposal for a regulation**

**Article 5 – paragraph 3 – subparagraph 1 – point b (new)**

*Text proposed by the Commission*

*Amendment*

***(b) require further information and clarification from the provider within a reasonable time period set by that Coordinating Authority which shall not be longer than two weeks;***

Or. en

**Amendment 96**

**Proposal for a regulation**

**Article 5 – paragraph 3 – subparagraph 1 – point c (new)**

*Text proposed by the Commission*

*Amendment*

(c) request the EU Centre, the competent data protection authorities, another public authority or relevant experts or entities to provide the necessary

Or. en

## Amendment 97

### Proposal for a regulation

#### Article 5 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

**4 a. Where the requirements of Articles 3 and 4 are met, the Coordinating Authority shall issue a positive opinion which shall be taken into account prior to any decision pursuant to Article 7.**

Or. en

## Amendment 98

### Proposal for a regulation

#### Article 5 – paragraph 5

*Text proposed by the Commission*

*Amendment*

5. Providers shall, when transmitting the report to the Coordinating Authority of establishment **in accordance with paragraph 1**, transmit the report also to the EU Centre.

5. Providers shall, when transmitting the report **in accordance with paragraph 1 or further information in accordance with paragraph 3** to the Coordinating Authority of establishment, transmit the report **or further information** also to the EU Centre.

Or. en

## Amendment 99

### Proposal for a regulation Article 5 a (new)

*Text proposed by the Commission*

*Amendment*

#### *Article 5 a*

##### *Voluntary detection order*

- 1. Following the request of the provider under Article 4.4a, the Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it or another independent administrative authority of that Member State to issue an order that authorizes the provider to maintain or implement mitigation measures that consist of using specific technologies for the processing of personal and other data to the extent strictly necessary to detect, report and remove*
- 2. Before submitting the request, that Coordinating Authority shall request and take into consideration the opinion of the competent data protection authority.*
- 3. Taking into account this opinion and the assessment submitted by the provider under Article 3(2a), the Coordinating Authority shall have the power to propose to the competent judicial authority of the Member State that designated it or another independent administrative authority of that Member State the terms of authorisation for the provider to take measures specified in Article 10 to detect online child sexual*
- 4. The Coordinating Authority shall decide whether to proceed according to paragraph 3 no later than three months from the provider's request.*

Or. en

## Amendment 100

### Proposal for a regulation

#### Article 6 – paragraph 1 – point a

*Text proposed by the Commission*

*Amendment*

(a) *make reasonable efforts to assess, where possible together with the providers of software applications, whether each service offered through the software applications that they intermediate presents a risk of being used for the purpose of the* **deleted**

Or. en

## Amendment 101

### Proposal for a regulation

#### Article 6 – paragraph 1 – point b

*Text proposed by the Commission*

*Amendment*

(b) take reasonable measures to prevent child users from accessing the software applications in relation to which they have identified a significant risk of use of the service concerned for the purpose of the solicitation of children;

(b) take reasonable measures to prevent child users from accessing the software applications in relation to which they have identified a significant risk of use of the service concerned for the purpose of the solicitation of children **or where:**

Or. en

## Amendment 102

### Proposal for a regulation

#### Article 6 – paragraph 1 – point b – point i (new)

*Text proposed by the Commission*

*Amendment*

i) ***the developer of the software application has informed the software application store that its terms and conditions of use do not permit child users,***

### Amendment 103

#### Proposal for a regulation

#### Article 6 – paragraph 1 – point b – point ii (new)

*Text proposed by the Commission*

*Amendment*

**ii) the software application has an appropriate age rating model in place, or**

Or. en

### Amendment 104

#### Proposal for a regulation

#### Article 6 – paragraph 1 – point b – point iii (new)

*Text proposed by the Commission*

*Amendment*

**iii) the developer of the software application has requested the software application store not to allow child users to download its software applications.**

Or. en

### Amendment 105

#### Proposal for a regulation

#### Article 6 – paragraph 1 – point c

*Text proposed by the Commission*

*Amendment*

(c) take the necessary age **verification and age assessment** measures to reliably identify child users on their services, enabling them to take the measures referred

(c) take the necessary age **assurance** measures to reliably identify child users on their services, enabling them to take the measures referred to in point (b).

Or. en



## Amendment 106

### Proposal for a regulation Article 6 a (new)

*Text proposed by the Commission*

*Amendment*

#### *Article 6 a*

##### *Encrypted services and metadata processing*

*1. Nothing in this Regulation shall be interpreted as prohibiting or weakening end-to-end encryption.*

*2. On the basis of the risk assessment submitted and, where applicable, further information, the Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it or another independent administrative authority of that Member State to authorise a provider of hosting services or a provider of interpersonal communications services to process metadata to the extent strictly necessary and proportionate to mitigate the risk of misuse of their services for the*

*When assessing whether to request the processing of metadata, the Coordinating Authority shall take into account the interference with the rights to privacy and data protection of the users of the service that such a processing entails and determine whether, in that case, the processing of metadata would be effective in mitigating the risk of use of the service for the purpose of child sexual abuse, strictly*

**3. Without prejudice to Regulation (EU) 2016/679, providers shall inform the users of such processing in their terms and conditions, including information on the possibility to submit complaints to the competent data processing authorities concerning the relevant processing and on the avenues for judicial redress.**

Or. en

## **Amendment 107**

### **Proposal for a regulation Article 7 – paragraph 1**

#### *Text proposed by the Commission*

1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it or another independent administrative authority of that Member State to issue a detection order requiring a provider of hosting services or a provider of interpersonal communications services under the jurisdiction of that Member State to take the measures specified in Article 10 to detect online child sexual abuse on a specific service.

#### *Amendment*

1. The Coordinating Authority of establishment shall have the power, **when the requirements of Articles 3, 4, 5, and 5a have not been met**, to request the competent judicial authority of the Member State that designated it or another independent administrative authority of that Member State to issue a detection order requiring a provider of hosting services or a provider of interpersonal communications services under the jurisdiction of that Member State to take the measures specified in Article 10 to detect online child sexual abuse on a specific

Or. en

## **Amendment 108**

### **Proposal for a regulation Article 7 – paragraph 2 – subparagraph 1**

#### *Text proposed by the Commission*

#### *Amendment*

The Coordinating Authority of establishment shall, ***before requesting*** the issuance of ***a*** detection order, ***carry out the investigations and assessments necessary to determine whether the*** conditions of paragraph 4 have ***been met***.

The Coordinating Authority of establishment shall ***request*** the issuance of ***the*** detection order ***and the competent judicial authority or independent administrative authority shall issue the detection order where it considers that the following*** conditions are

Or. en

#### *Justification*

*For clarity purposes, moving Article 7.4 here and adding a new point (b).*

### **Amendment 109**

#### **Proposal for a regulation**

#### **Article 7 – paragraph 2 – subparagraph 1 – point a (new)**

*Text proposed by the Commission*

*Amendment*

***(a) there is evidence of a significant risk of the service being used for the purpose of online child sexual abuse, within the meaning of paragraphs 5, 6 and 7, as***

Or. en

### **Amendment 110**

#### **Proposal for a regulation**

#### **Article 7 – paragraph 2 – subparagraph 1 – point b (new)**

*Text proposed by the Commission*

*Amendment*

***(b) mitigation measures put in place by the provider are not considered effective and proportionate to the risk of the misuse of the service offered or the service provider fails to conduct the risk assessment, the risk mitigation or the risk reporting obligations set out in this Regulation.***

Or. en

## Amendment 111

### Proposal for a regulation

#### Article 7 – paragraph 2 – subparagraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***The reasons for issuing the detection order shall outweigh negative consequences for the rights and legitimate interests of all parties affected, having regard in particular to the need to ensure a fair balance between the fundamental rights of those parties.***

Or. en

## Amendment 112

### Proposal for a regulation

#### Article 7 – paragraph 2 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

***To that end, it may, where appropriate, require the provider to submit the necessary information, additional to the report and the further information referred to in Article 5(1) and (3), respectively, within a reasonable time period set by that Coordinating Authority, or request the EU Centre, another public authority or relevant experts or entities to provide the necessary*** ***deleted***

Or. en

*Justification*

*Idea included in Article 5.3.*

## Amendment 113

### Proposal for a regulation

#### Article 7 – paragraph 3 – subparagraph 1 – introductory part

##### *Text proposed by the Commission*

Where the Coordinating Authority of establishment takes the preliminary view that the conditions of paragraph 4 have been met, it shall:

##### *Amendment*

Where the Coordinating Authority of establishment takes the preliminary view that the conditions of paragraph 2 have been met, it shall:

Or. en

## Amendment 114

### Proposal for a regulation

#### Article 7 – paragraph 3 – subparagraph 2 – introductory part

##### *Text proposed by the Commission*

Where, having regard to the comments of the provider and the opinion of the EU Centre, that Coordinating Authority continues to be of the view that the conditions of paragraph 4 have met, **it shall re-submit the draft request, adjusted where appropriate, to the provider. In that case,** the provider shall do all of the following, within a reasonable time period set by that Coordinating Authority:

##### *Amendment*

Where, having regard to the comments of the provider and the opinion of the EU Centre, that Coordinating Authority continues to be of the view that the conditions of paragraph 2 **have been** met, the provider shall do all of the following, within a reasonable time period set by that Coordinating Authority, **which cannot exceed four weeks:**

Or. en

## Amendment 115

### Proposal for a regulation

#### Article 7 – paragraph 3 – subparagraph 2 – point b

##### *Text proposed by the Commission*

##### *Amendment*

(b) where the draft implementation plan concerns an intended detection order concerning the solicitation of children other than the renewal of a previously issued detection order without any substantive changes, conduct a data protection impact assessment and a prior consultation procedure as referred to in Articles 35 and 36 of Regulation (EU) 2016/679, respectively, in relation to the measures set out in the implementation plan;

(b) where the draft implementation plan concerns an intended detection order concerning ***new child sexual abuse material*** or the solicitation of children other than the renewal of a previously issued detection order without any substantive changes, conduct a data protection impact assessment and a prior consultation procedure as referred to in Articles 35 and 36 of Regulation (EU) 2016/679, respectively, in relation to the measures set out in the implementation plan;

Or. en

### *Justification*

*Joint Opinion of the EDPB and the EDPS 04/2022 (point 104)*

## **Amendment 116**

### **Proposal for a regulation**

#### **Article 7 – paragraph 3 – subparagraph 3**

#### *Text proposed by the Commission*

Where, having regard to the implementation plan of the provider and the opinion of the data protection authority, that Coordinating Authority continues to be of the view that the conditions of paragraph 4 have met, it shall submit the request for the issuance of the detection, adjusted where appropriate, to the competent judicial authority or independent administrative authority. It shall attach the implementation plan of the provider and the opinions of the EU Centre and the data

#### *Amendment*

Where, having regard to the implementation plan of the provider and the opinion of the data protection authority, that Coordinating Authority continues to be of the view that the conditions of paragraph 2 have met, it shall submit the request for the issuance of the detection, adjusted where appropriate, to the competent judicial authority or independent administrative authority. It shall attach the implementation plan of the provider and the opinions of the EU Centre and the data

Or. en

## **Amendment 117**

### **Proposal for a regulation**

#### **Article 7 – paragraph 4 – subparagraph 1**

**The Coordinating Authority of** **deleted**  
**establishment shall request the issuance of**  
**the detection order, and the competent**  
**judicial authority or independent**  
**administrative authority shall issue the**  
**detection order where it considers that the**

**(a) there is evidence of a significant risk**  
**of the service being used for the purpose of**  
**online child sexual abuse, within the**  
**meaning of paragraphs 5, 6 and 7, as**

**(b) the reasons for issuing the detection**  
**order outweigh negative consequences for**  
**the rights and legitimate interests of all**  
**parties affected, having regard in particular**  
**to the need to ensure a fair balance between**  
**the fundamental rights of those parties.**

Or. en

Justification

Moved to Article 7.2.

## Amendment 118

### Proposal for a regulation

#### Article 7 – paragraph 4 – subparagraph 2 – introductory part

Text proposed by the Commission

Amendment

When assessing whether the conditions of  
**the first subparagraph** have been met,  
account shall be taken of all relevant facts  
and circumstances of the case at hand, in

When assessing whether the conditions of  
**paragraph 2** have been met, account shall be  
taken of all relevant facts and circumstances  
of the case at hand, in particular:

Or. en

## Amendment 119

### Proposal for a regulation

#### Article 7 – paragraph 4 – subparagraph 2 – point a

*Text proposed by the Commission*

*Amendment*

(a) the risk assessment conducted or updated and any mitigation measures taken by the provider pursuant to Articles 3 and 4, ***including any mitigation measures introduced, reviewed, discontinued or expanded pursuant to Article 5(4) where***

(a) the risk assessment conducted or updated and any mitigation measures taken by the provider pursuant to Articles 3 and 4;

Or. en

## **Amendment 120**

### **Proposal for a regulation**

#### **Article 7 – paragraph 4 – subparagraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

(b) any additional information obtained pursuant to ***paragraph 2 or any other relevant information available to it, in particular regarding the use, design and operation of the service, regarding the provider's financial and technological capabilities and size and regarding the potential consequences of the measures to be taken to execute the detection order for***

(b) any additional information obtained pursuant to ***Article 5(3) and (4) where applicable;***

Or. en

## **Amendment 121**

### **Proposal for a regulation**

#### **Article 7 – paragraph 4 – subparagraph 2 – point d**

*Text proposed by the Commission*

*Amendment*

(d) the opinions of the EU Centre and of the data protection authority submitted in accordance with paragraph 3.

(d) the opinions of the EU Centre and of the data protection authority submitted in accordance with paragraph 3 ***and, where applicable, the opinion of the Coordinating Authority issued in accordance with Article 5 4a.***



## Amendment 122

### Proposal for a regulation

#### Article 7 – paragraph 4 – subparagraph 3

##### *Text proposed by the Commission*

***As regards the second subparagraph, point (d)***, where that Coordinating Authority substantially deviates from the opinion of the EU Centre, it shall inform the EU Centre and the Commission thereof, specifying the points at which it deviated and the main reasons for the deviation.

##### *Amendment*

Where that Coordinating Authority substantially deviates from the opinion of the EU Centre ***or the data protection authorities***, it shall inform the EU Centre ***or the data protection authorities*** and the Commission thereof, specifying the points at which it deviated and the main reasons for

Or. en

## Amendment 123

### Proposal for a regulation

#### Article 7 – paragraph 5 – introductory part

##### *Text proposed by the Commission*

5. As regards detection orders concerning the dissemination of known child sexual abuse material, the significant risk referred to in paragraph 4, ***first subparagraph, point (a)***, shall be deemed to exist where the following conditions are met:

##### *Amendment*

5. As regards detection orders concerning the dissemination of known child sexual abuse material, the significant risk referred to in paragraph 2 shall be deemed to exist where the following conditions are met:

Or. en

## Amendment 124

### Proposal for a regulation

#### Article 7 – paragraph 5 – point a

*Text proposed by the Commission*

- (a) *it is likely*, despite *any* mitigation measures that the provider *may have* taken *or will take, that* the service is used, to an appreciable extent for the dissemination of known child sexual abuse material;

*Amendment*

- (a) despite *the* mitigation measures that the provider *has* taken the service is used to an appreciable extent for the dissemination of known child sexual abuse material;

Or. en

**Amendment 125**

**Proposal for a regulation**

**Article 7 – paragraph 6 – introductory part**

*Text proposed by the Commission*

6. As regards detection orders concerning the dissemination of new child sexual abuse material, the significant risk referred to in paragraph 4, *first subparagraph, point (a)*, shall be deemed to exist where the following conditions are met:

*Amendment*

6. As regards detection orders concerning the dissemination of new child sexual abuse material, the significant risk referred to in paragraph 2 shall be deemed to exist where the following conditions are met:

Or. en

**Amendment 126**

**Proposal for a regulation**

**Article 7 – paragraph 7 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

As regards detection orders concerning the solicitation of children, the significant risk referred to in paragraph 4, *first subparagraph, point (a)*, shall be deemed to exist where the following conditions are met:

*Amendment*

As regards detection orders concerning the solicitation of children, the significant risk referred to in paragraph 2 shall be deemed to exist where the following conditions are met:

Or. en

## Amendment 127

### Proposal for a regulation

#### Article 7 – paragraph 7 – subparagraph 2

##### *Text proposed by the Commission*

The detection orders concerning the solicitation of children shall apply only to interpersonal communications ***where one of the users is*** a child user.

##### *Amendment*

The detection orders concerning the solicitation of children shall apply only to interpersonal communications ***between*** a child user ***and an adult***.

Or. en

## Amendment 128

### Proposal for a regulation

#### Article 7 – paragraph 8 – subparagraph 1

##### *Text proposed by the Commission*

The Coordinating Authority of establishment when requesting the issuance of detection orders, and the competent judicial or independent administrative authority when issuing the detection order, shall target and specify it in such a manner that the negative consequences referred to in paragraph 4, ***first subparagraph, point (b)***, remain limited to what is strictly necessary to effectively address the significant risk referred to in point (a) thereof.

##### *Amendment*

The Coordinating Authority of establishment when requesting the issuance of detection orders, and the competent judicial or independent administrative authority when issuing the detection order, shall, ***in accordance with Article 8 of Regulation (EU) 2022/2065***, target and specify it in such a manner that the negative consequences referred to in paragraph 2 remain limited to what is strictly necessary, ***justifiable and proportionate*** to effectively address the significant risk referred to in point (a) thereof, ***and limit the detection order to an identifiable part or component of a service, such as a specific channel of communication or a specific group of users identified with particularity for which the***

Or. en

## Amendment 129

### Proposal for a regulation

#### Article 7 – paragraph 8 – subparagraph 3 – point a

##### *Text proposed by the Commission*

(a) where that risk is limited to an identifiable part or component of a service, the required measures are only applied in respect of that part or component;

##### *Amendment*

(a) where that risk is limited to an identifiable part or component of a service, the required measures are only applied ***to an identifiable part or component of a service, such as a specific channel of communication or a specific group of users identified with particularity for which the significant risk has been identified***, in respect of that part or component;

Or. en

## Amendment 130

### Proposal for a regulation

#### Article 9 – paragraph 2 – subparagraph 1

##### *Text proposed by the Commission*

When the detection order becomes final, the competent judicial authority or independent administrative authority that issued the detection order shall, without undue delay, ***transmit a copy thereof to*** the Coordinating Authority of establishment. The Coordinating Authority of establishment shall then, without undue delay, ***transmit a copy thereof to*** all other Coordinating Authorities through the system established in

##### *Amendment*

When the detection order becomes final, the competent judicial authority or independent administrative authority that issued the detection order shall, without undue delay, ***inform*** the Coordinating Authority of establishment ***thereof***. The Coordinating Authority of establishment shall then, without undue delay, ***inform*** all other Coordinating Authorities through the system established in accordance with Article 39(2).

Or. en

## Amendment 131

### Proposal for a regulation

#### Article 10 – paragraph 1

*Text proposed by the Commission*

1. Providers of hosting services and providers of interpersonal communication services that have received a detection order shall execute it by installing and operating technologies to detect the dissemination of known or new child sexual abuse material or the solicitation of children, as applicable, using the corresponding indicators provided by the EU Centre in accordance with Article 46.

*Amendment*

1. Providers of hosting services and providers of interpersonal communication services that have received a detection order shall execute it by installing and operating **available** technologies to detect the dissemination of known or new child sexual abuse material or the solicitation of children, as applicable, using the corresponding indicators provided by the EU Centre in accordance with Article 46.

Or. en

**Amendment 132**

**Proposal for a regulation**

**Article 10 – paragraph 3 – point c**

*Text proposed by the Commission*

(c) in accordance with the state of the art **in the industry** and the least intrusive in terms of the impact on the users' rights to private and family life, including the confidentiality of communication, and to protection of personal data;

*Amendment*

(c) in accordance with the state of the art and the least intrusive in terms of the impact on the users' rights to private and family life, including the confidentiality of communication, and to protection of personal data;

Or. en

**Amendment 133**

**Proposal for a regulation**

**Article 10 – paragraph 3 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

**(d a) not able to weaken end-to-end encryption.**

Or. en

#### **Amendment 134**

##### **Proposal for a regulation**

##### **Article 10 – paragraph 4 – point e**

*Text proposed by the Commission*

*Amendment*

**(e) inform the Coordinating Authority, at the latest one month before the start date specified in the detection order, on the implementation of the envisaged measures set out in the implementation plan referred to in Article 7(3);** **deleted**

Or. en

#### **Amendment 135**

##### **Proposal for a regulation**

##### **Article 10 – paragraph 4 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

**(f a) ensure privacy by design and by default and, where applicable, without hampering the integrity of encryption.**

Or. en

#### **Amendment 136**

##### **Proposal for a regulation**

##### **Article 11 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

The Commission, in cooperation with the Coordinating Authorities and the EU Centre and after having conducted a public consultation, may issue guidelines on the application of Articles 7 to 10, having due regard in particular to relevant technological developments and the manners in which the services covered by those provisions are offered and used.

The Commission, in cooperation with the Coordinating Authorities and the EU Centre and after having conducted a public consultation **and consulted the European Data Protection Board**, may issue guidelines on the application of Articles 7 to 10, having due regard in particular to relevant technological developments and the manners in which the services covered by those provisions are offered and used.

Or. en

## Amendment 137

### Proposal for a regulation

#### Article 12 – paragraph 2 – subparagraph 1

##### *Text proposed by the Commission*

Where the provider submits a report pursuant to paragraph 1, it shall inform the user concerned, **providing information on the main content of the report, on the manner in which the provider has become aware of the potential child sexual abuse concerned, on the follow-up given to the report insofar as such information is available to the provider and on the user's possibilities of redress, including on the right to submit complaints to the Coordinating Authority in**

##### *Amendment*

Where the provider submits a report pursuant to paragraph 1, it shall inform the user concerned **without undue delay, after Europol or the national law enforcement authority of a Member State that received the report pursuant to Article 48 has confirmed that the** information to the users **would not interfere with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences.**

Or. en

## Amendment 138

### Proposal for a regulation

#### Article 12 – paragraph 2 – subparagraph 2

##### *Text proposed by the Commission*

##### *Amendment*

*The provider shall inform the user concerned without undue delay, either after having received a communication from the EU Centre indicating that it considers the report to be manifestly unfounded as referred to in Article 48(2), or after the expiry of a time period of three months from the date of the report without having received a communication from the EU Centre indicating that the information is not to be provided as referred to in Article*

*deleted*

Or. en

#### **Amendment 139**

##### **Proposal for a regulation**

##### **Article 12 – paragraph 2 – subparagraph 3**

*Text proposed by the Commission*

*Amendment*

*Where within the three months' time period referred to in the second subparagraph the provider receives such a communication from the EU Centre indicating that the information is not to be provided, it shall inform the user concerned, without undue delay, after the expiry of the time period set out in that communication.*

*deleted*

Or. en

#### **Amendment 140**

##### **Proposal for a regulation**

##### **Article 12 – paragraph 3**

*Text proposed by the Commission*

*Amendment*



3. The provider shall establish and operate an accessible, age-appropriate and user-friendly mechanism that allows users to flag to the provider potential online child sexual abuse on the service.

3. The provider shall establish and operate an accessible, age-appropriate and user-friendly mechanism that allows users to flag ***or notify*** to the provider potential online child sexual abuse on the service, ***including self-reporting tools. Those mechanisms shall allow for anonymous reporting already available through anonymous reporting channels as defined by Directive***

Or. en

#### Amendment 141

##### Proposal for a regulation

##### Article 13 – paragraph 1 – point c

*Text proposed by the Commission*

(c) all content data, ***including images, videos and text;***

*Amendment*

(c) all content data;

Or. en

#### Amendment 142

##### Proposal for a regulation

##### Article 13 – paragraph 1 – point f

*Text proposed by the Commission*

(f) ***information concerning the geographic location*** related to the potential online child sexual abuse, ***such as the Internet Protocol address;***

*Amendment*

(f) ***metadata*** related to the potential online child sexual abuse;

Or. en

## Amendment 143

### Proposal for a regulation

#### Article 14 – paragraph 1 – subparagraph 1 (new)

*Text proposed by the Commission*

*Amendment*

***Removal orders shall be addressed, as a general rule, to providers of relevant information society services acting as recipient of the service in accordance with Regulation (EU) 2022/2065. As an exception, where content is stored or processed as part of an infrastructure provided by another provider of a relevant information society service, the removal order may be directly addressed to it where:***

- the recipient of the service cannot be identified despite reasonable efforts on the part of the Coordinating Authority; or***
- addressing the recipient of the service might be detrimental to an ongoing***

Or. en

## Amendment 144

### Proposal for a regulation

#### Article 14 – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. The provider shall execute the removal order as soon as possible and in any event within 24 hours of receipt thereof.

2. The provider shall execute the removal order as soon as possible and in any event within 24 hours of receipt thereof,  
***unless the removal order indicates a shorter***

Or. en

## Amendment 145

### Proposal for a regulation

#### Article 14 – paragraph 3 – point e

##### *Text proposed by the Commission*

(e) an exact uniform resource **locator** and, where necessary, additional information for the identification of the child sexual abuse material;

##### *Amendment*

(e) an exact Uniform Resource **Identifier** and, where necessary, additional information for the identification of the child sexual abuse material;

Or. en

## Amendment 146

### Proposal for a regulation

#### Article 15 – paragraph 2 – subparagraph 1

##### *Text proposed by the Commission*

When the removal order becomes final, the competent judicial authority or independent administrative authority that issued the removal order shall, without undue delay, **transmit a copy thereof to** the Coordinating Authority of establishment. The Coordinating Authority of establishment shall then, without undue delay, **transmit a copy thereof to** all other Coordinating Authorities through the system established in

##### *Amendment*

When the removal order becomes final, the competent judicial authority or independent administrative authority that issued the removal order shall, without undue delay, **inform** the Coordinating Authority of establishment **thereof**. The Coordinating Authority of establishment shall then, without undue delay, **inform the EU Centre and** all other Coordinating Authorities through the system established in accordance

Or. en

## Amendment 147

### Proposal for a regulation

#### Article 16 – paragraph 1

##### *Text proposed by the Commission*

##### *Amendment*

1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it or an independent administrative authority of that Member State to issue a blocking order requiring a provider of internet access services under the jurisdiction of that Member State to take reasonable measures to prevent users from accessing known child sexual abuse material indicated by **all** uniform resource **locators** on the list of uniform resource **locators** included in the database of indicators, in accordance with

1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it or an independent administrative authority of that Member State to issue a blocking order requiring a provider of internet access services under the jurisdiction of that Member State to take reasonable measures to prevent users from accessing known child sexual abuse material indicated by **any** Uniform Resource **Identifiers** on the list of Uniform Resource **Identifiers** included in the database of indicators, in accordance with

Or. en

#### **Amendment 148**

##### **Proposal for a regulation**

##### **Article 16 – paragraph 2 – subparagraph 2 – point a**

###### *Text proposed by the Commission*

(a) verify that, in respect of all or a representative sample of the uniform resource **locators** on the list referred to in paragraph 1, the conditions of Article 36(1), point (b), are met, including by carrying out checks to verify in cooperation with the EU Centre that the list is complete, accurate and

###### *Amendment*

(a) verify that, in respect of all or a representative sample of the Uniform Resource **Identifiers** on the list referred to in paragraph 1, the conditions of Article 36(1), point (b), are met, including by carrying out checks to verify in cooperation with the EU Centre that the list is complete, accurate and

Or. en

#### **Amendment 149**

##### **Proposal for a regulation**

##### **Article 16 – paragraph 2 – subparagraph 2 – point b**

###### *Text proposed by the Commission*

###### *Amendment*

(b) require the provider to submit, within a reasonable time period set by that Coordinating Authority, the necessary information, in particular regarding the accessing or attempting to access by users of the child sexual abuse material indicated by the uniform resource *locators*, regarding the provider's policy to address the risk of dissemination of the child sexual abuse material and regarding the provider's financial and technological capabilities and

(b) require the provider to submit, within a reasonable time period set by that Coordinating Authority, the necessary information, in particular regarding the accessing or attempting to access by users of the child sexual abuse material indicated by the Uniform Resource *Identifier*, regarding the provider's policy to address the risk of dissemination of the child sexual abuse material and regarding the provider's financial and technological capabilities and

Or. en

## **Amendment 150**

### **Proposal for a regulation**

#### **Article 16 – paragraph 2 – subparagraph 2 – point c**

##### *Text proposed by the Commission*

(c) request the EU Centre to provide the necessary information, in particular explanations and assurances regarding the accuracy of the uniform resource *locators* in indicating child sexual abuse material, regarding the quantity and nature of that material and regarding the verifications by the EU Centre and the audits referred to in Article 36(2) and Article 46(7), respectively;

##### *Amendment*

(c) request the EU Centre to provide the necessary information, in particular explanations and assurances regarding the accuracy of the Uniform Resource *Identifier* in indicating child sexual abuse material, regarding the quantity and nature of that material and regarding the verifications by the EU Centre and the audits referred to in Article 36(2) and Article 46(7), respectively;

Or. en

## **Amendment 151**

### **Proposal for a regulation**

#### **Article 16 – paragraph 4 – subparagraph 1 – point a**

##### *Text proposed by the Commission*

##### *Amendment*

(a) there is evidence of the service having been used during the past 12 months, to an appreciable extent, for accessing or attempting to access the child sexual abuse material indicated by the uniform resource

(a) there is evidence of the service having been used during the past 12 months, to an appreciable extent, for accessing or attempting to access the child sexual abuse material indicated by the Uniform Resource

Or. en

## Amendment 152

### Proposal for a regulation

#### Article 16 – paragraph 4 – subparagraph 1 – point c

##### *Text proposed by the Commission*

(c) the uniform resource **locators** indicate, in a sufficiently reliable manner, child sexual abuse material;

##### *Amendment*

(c) the Uniform Resource **Identifiers** indicate, in a sufficiently reliable manner, child sexual abuse material;

Or. en

## Amendment 153

### Proposal for a regulation

#### Article 17 – paragraph 1 – point a

##### *Text proposed by the Commission*

(a) the reference to the list of uniform resource **locators**, provided by the EU Centre, and the safeguards to be provided for, including the limits and safeguards specified pursuant to Article 16(5) and, where applicable, the reporting requirements set pursuant to Article 18(6);

##### *Amendment*

(a) the reference to the list of Uniform Resource **Identifiers**, provided by the EU Centre, and the safeguards to be provided for, including the limits and safeguards specified pursuant to Article 16(5) and, where applicable, the reporting requirements set pursuant to Article 18(6);

Or. en

## Amendment 154

### Proposal for a regulation Article 18 – paragraph 1

#### *Text proposed by the Commission*

1. Providers of internet access services that have received a blocking order, as well as users who provided or were prevented from accessing a specific item of material indicated by the uniform resource **locators** in execution of such orders, shall have a right to effective redress. That right shall include the right to challenge the blocking order before the courts of the Member State of the competent judicial authority or independent administrative authority that issued the

#### *Amendment*

1. Providers of internet access services that have received a blocking order, as well as users who provided or were prevented from accessing a specific item of material indicated by the Uniform Resource **Identifiers** in execution of such orders, shall have a right to effective redress. That right shall include the right to challenge the blocking order before the courts of the Member State of the competent judicial authority or independent administrative

Or. en

## Amendment 155

### Proposal for a regulation Article 18 – paragraph 4 – introductory part

#### *Text proposed by the Commission*

4. Where a provider prevents users from accessing the uniform resource **locators** pursuant to a blocking order issued in accordance with Article 17, it shall take reasonable measures to inform the users of the following:

#### *Amendment*

4. Where a provider prevents users from accessing the Uniform Resource **Identifiers** pursuant to a blocking order issued in accordance with Article 17, it shall take reasonable measures to inform the users of the following:

Or. en

## Amendment 156

### Proposal for a regulation Article 18 – paragraph 5 – subparagraph 1

*Text proposed by the Commission*

The provider and the users referred to in paragraph 1 shall be entitled to request the Coordinating Authority that requested the issuance of the blocking order to assess whether users are wrongly prevented from accessing a specific item of material indicated by uniform resource **locators** pursuant to the blocking order. The provider shall also be entitled to request modification or revocation of the blocking order, where it considers it necessary due to substantial changes to the grounds for issuing the blocking orders that occurred after the issuance thereof, in particular substantial changes preventing the provider from taking the required reasonable measures to execute

*Amendment*

The provider and the users referred to in paragraph 1 shall be entitled to request the Coordinating Authority that requested the issuance of the blocking order to assess whether users are wrongly prevented from accessing a specific item of material indicated by Uniform Resource **Identifiers** pursuant to the blocking order. The provider shall also be entitled to request modification or revocation of the blocking order, where it considers it necessary due to substantial changes to the grounds for issuing the blocking orders that occurred after the issuance thereof, in particular substantial changes preventing the provider from taking the required reasonable measures to execute

Or. en

**Amendment 157**

**Proposal for a regulation**  
**Article 18 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 18 a**

***Delisting orders***

***1. The Coordinating Authority of establishment shall have the power to issue a delisting order addressed to the provider of online search engines or any other artificial intelligence systems under the jurisdiction of that Member State, to take reasonable measures to delist a particular resource or resources indicating specific items of known child sexual abuse material, when the conditions indicated in paragraph***



*2. Before issuing an order under paragraph 1, the Coordinating Authority of establishment shall inform the provider of its intention specifying the main elements of the content of the delisting order and the reasons to delist a particular resource or resources. It shall afford the provider the opportunity to comment on that information, within a reasonable time*

*3. The Coordinating Authority of establishment shall issue a delisting order, where it considers that delisting is necessary to prevent the dissemination of child sexual abuse material to users in the Union, having regard to the need to protect the rights of the victims and to the existence and implementation by the provider of a policy to address the risk of such*

Or. en

## **Amendment 158**

### **Proposal for a regulation Article 18 b (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 18 b**

##### ***Additional rules regarding delisting orders***

***1. The Coordinating Authority shall issue delisting orders referred to in Article 18a using the template set out in Annex X. Delisting orders shall include:***

***(a) the name of the provider and, where applicable, its legal representative;***

***(b) where known, the specific service in respect of which the delisting order is***

***(c) all the necessary details to properly identify the affected resource or resources***

***(d) the start date of the delisting;***

*(e) a sufficiently detailed statement of reasons explaining the delisting order;*

*(f) a reference to this Regulation as the legal basis for delisting;*

*(g) the date, time stamp and electronic signature of the Coordinating Authority issuing the delisting order;*

*(h) easily understandable information about the redress available, including information about redress to a court and about the time periods applicable to such*

*2. The Coordinating Authority that issues the delisting order shall address it to the main establishment of the provider or, where applicable, to its legal representative designated in accordance with Article 24.*

*3. The delisting order shall be transmitted to the provider's point of contact referred to in Article 23(1), to the Coordinating Authority of establishment and to the EU Centre, through the system established in accordance with Article 39(2).*

*4. The delisting order shall be drafted in the languages declared by the provider pursuant to Article 23(3).*

*5. If the provider cannot execute the delisting order because it contains manifest errors or does not contain sufficient information for its execution, the provider shall, without undue delay, request the necessary clarification from the Coordinating Authority issuing the order,*

*6. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 in order to amend Annex X where necessary to improve the templates in view of relevant technological developments or practical experiences gained.*

Or. en

## Amendment 159

### Proposal for a regulation Article 19 – paragraph 1

#### *Text proposed by the Commission*

Providers of relevant information society services shall not be liable for child sexual abuse offences solely because they carry out, in good faith, the necessary activities to comply with the requirements of this Regulation, in particular activities aimed at detecting, identifying, removing, disabling of access to, blocking or reporting online child sexual abuse in accordance with those requirements.

#### *Amendment*

Providers of relevant information society services, shall not be liable for child sexual abuse offences solely because they carry out, in good faith, the necessary activities to comply with the requirements of this Regulation, in particular activities aimed at detecting, identifying, removing, disabling of access to, blocking, ***delisting from search results***, or reporting online child sexual abuse in accordance with those requirements.

Or. en

## Amendment 160

### Proposal for a regulation Article 20 – paragraph 1 – subparagraph 1

#### *Text proposed by the Commission*

***Persons residing in the Union*** shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where they reside, information regarding any instances where the dissemination of known child sexual abuse material depicting them is reported to the EU Centre pursuant to Article 12. Persons with disabilities shall have the right to ask and receive such an information in a manner

#### *Amendment*

***Victims*** shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where they reside, information regarding any instances where the dissemination of known child sexual abuse material depicting them is reported to the EU Centre pursuant to Article 12. Persons with disabilities shall have the right to ask and receive such an information in a manner accessible to them.

Or. en

## Amendment 161

### Proposal for a regulation

#### Article 20 – paragraph 1 – subparagraph 2

##### *Text proposed by the Commission*

That Coordinating Authority shall transmit the request to the EU Centre through the system established in accordance with Article 39(2) and shall communicate the results received from the EU Centre to the

##### *Amendment*

That Coordinating Authority shall transmit the request to the EU Centre through the system established in accordance with Article 39(2) and shall communicate the results received from the EU Centre to the

Or. en

## Amendment 162

### Proposal for a regulation

#### Article 21 – paragraph 1

##### *Text proposed by the Commission*

1. Providers of **hosting** services shall provide reasonable assistance, on request, to persons residing in the Union that seek to have one or more specific items of known child sexual abuse material depicting them removed or to have access thereto disabled by the provider.

##### *Amendment*

1. Providers of **relevant information society** services shall provide reasonable assistance, on request, to persons residing in the Union that seek to have one or more specific items of known child sexual abuse material depicting them removed or to have access thereto disabled by the provider.

Or. en

## Amendment 163

### Proposal for a regulation

#### Article 21 – paragraph 2 – subparagraph 1

##### *Text proposed by the Commission*

##### *Amendment*

**Persons residing in the Union** shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where the person resides, support from the EU Centre when they seek to have a provider **of hosting services** remove or disable access to one or more specific items of known child sexual abuse material depicting them. Persons with disabilities shall have the right to ask and receive any information relating to such

**To that end, victims** shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where the person resides, support from the EU Centre when they seek to have a provider remove or disable access to one or more specific items of known child sexual abuse material depicting them. Persons with disabilities shall have the right to ask and receive any information relating to such support in a manner accessible to them.

Or. en

#### Amendment 164

##### Proposal for a regulation Article 21 – paragraph 3

*Text proposed by the Commission*

3. **The requests referred to in paragraphs 1 and 2 shall indicate the relevant item or items of child sexual abuse**

*Amendment*

**deleted**

Or. en

#### Amendment 165

##### Proposal for a regulation Article 22 – paragraph 1 – subparagraph 1 – introductory part

*Text proposed by the Commission*

Providers of **hosting** services and providers of interpersonal communications services shall preserve the content data and other data processed in connection to the measures taken to comply with this Regulation and the personal data generated through such processing, only for one or more of the following purposes, as applicable:

*Amendment*

Providers of **relevant information society** services and providers of interpersonal communications services shall preserve the content data and other data processed in connection to the measures taken to comply with this Regulation and the personal data generated through such processing, only for one or more of the following purposes, as

## Amendment 166

### Proposal for a regulation Article 23 – paragraph 1

#### *Text proposed by the Commission*

1. Providers of relevant information society services shall establish a single point of contact allowing for direct communication, by electronic means, with the Coordinating Authorities, other competent authorities of the Member States, the Commission and the EU Centre, for the application of this Regulation.

#### *Amendment*

1. Providers of relevant information society services shall establish a single point of contact allowing for direct communication, by electronic means, with the Coordinating Authorities, other competent authorities of the Member States, the Commission and the EU Centre, for the application of this Regulation. ***The single point of contact shall allow for direct communication with the users of the service***

Or. en

## Amendment 167

### Proposal for a regulation Article 26 – paragraph 2 – point c

#### *Text proposed by the Commission*

(c) are free from any external influence, whether direct or indirect;

#### *Amendment*

(c) are free from any ***undue*** external influence, whether direct or indirect;

Or. en

## Amendment 168

### Proposal for a regulation Article 27 – paragraph 1 – point b

#### *Text proposed by the Commission*

#### *Amendment*

(b) the power to carry out on-site inspections of any premises that those providers or the other persons referred to in point (a) use for purposes related to their trade, business, craft or profession, or to request other public authorities to do so, in order to examine, seize, take or obtain copies of information relating to a suspected infringement of this Regulation in any form, irrespective of the storage medium;

(b) the power *to request the competent judicial authority of the Member State that designated it or another independent administrative authority of that Member State* to carry out on-site inspections of any premises that those providers or the other persons referred to in point (a) use for purposes related to their trade, business, craft or profession, or to request other public authorities to do so, in order to examine, seize, take or obtain copies of information relating to a suspected infringement of this Regulation in any form, irrespective of the

Or. en

#### **Amendment 169**

##### **Proposal for a regulation Article 27 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. *Member States may grant additional* ~~deleted~~  
*investigative powers to the Coordinating  
Authorities.***

Or. en

#### **Amendment 170**

##### **Proposal for a regulation Article 28 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) the power to impose fines, ***or request a judicial authority in their Member State to do so***, in accordance with Article 35 for infringements of this Regulation, including non-compliance with any of the orders issued pursuant to Article 27 and to point (b) of this paragraph;

(c) the power to impose fines in accordance with Article 35 for infringements of this Regulation, including non-compliance with any of the orders issued pursuant to Article 27 and to point (b) of this paragraph;

Or. en

## Amendment 171

### Proposal for a regulation

#### Article 28 – paragraph 1 – point d

##### *Text proposed by the Commission*

(d) the power to impose a periodic penalty payment in accordance with Article 35 to ensure that an infringement of this Regulation is terminated in compliance with an order issued pursuant to point (b) of this paragraph ***or for failure to comply with any of the orders issued pursuant to Article 27 and to point (b) of this paragraph***;

##### *Amendment*

(d) the power to impose a periodic penalty payment in accordance with Article 35 to ensure that an infringement of this Regulation is terminated in compliance with an order issued pursuant to point (b) of this paragraph;

Or. en

## Amendment 172

### Proposal for a regulation

#### Article 28 – paragraph 1 – point e

##### *Text proposed by the Commission*

(e) the power to adopt interim measures to avoid the risk of serious harm.

##### *Amendment*

(e) the power to adopt ***appropriate, reasonable, and proportional*** interim measures to avoid the risk of serious harm.

Or. en



## Amendment 173

### Proposal for a regulation Article 28 – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. **Member States may grant additional ~~deleted~~ enforcement powers to the Coordinating Authorities.**

Or. en

## Amendment 174

### Proposal for a regulation Article 29 – title

*Text proposed by the Commission*

*Amendment*

Additional enforcement **powers**

Additional enforcement **measures**

Or. en

## Amendment 175

### Proposal for a regulation Article 29 – paragraph 1 – introductory part

*Text proposed by the Commission*

*Amendment*

1. **Where needed for carrying out their tasks**, Coordinating Authorities shall have the additional enforcement **powers referred to in paragraph 2**, in respect of providers of relevant information society services under the jurisdiction of the Member State that designated them, provided that:

1. Coordinating Authorities shall have the **power to request** additional enforcement **measures**, in respect of providers of relevant information society services under the jurisdiction of the Member State that designated them, provided that:

Or. en

## Amendment 176

### Proposal for a regulation

#### Article 29 – paragraph 1 – point a

*Text proposed by the Commission*

*Amendment*

**(a) all other powers pursuant to Articles 27 and 28 to bring about the cessation of an infringement of this Regulation have been exhausted;**

Or. en

## Amendment 177

### Proposal for a regulation

#### Article 29 – paragraph 2 – introductory part

*Text proposed by the Commission*

*Amendment*

2. Coordinating Authorities shall have the additional enforcement ***powers to take the following*** measures:

2. Coordinating Authorities shall have the ***power to request to the competent judicial authority of the Member State that designated it or another independent administrative authority of that Member State the following*** additional enforcement

Or. en

## Amendment 178

### Proposal for a regulation

#### Article 29 – paragraph 2 – point b – introductory part

*Text proposed by the Commission*

*Amendment*

(b) ***request the competent judicial authority or independent administrative authority of the Member State that designated the Coordinating Authority to*** order the temporary restriction of access of users of the service concerned by the infringement or, only where that is not technically feasible, to the online interface of the provider on which the infringement takes

(b) order the temporary restriction of access of users of the service concerned by the infringement or, only where that is not technically feasible, to the online interface of the provider on which the infringement takes place, where the Coordinating Authority considers that:

Or. en

#### Amendment 179

##### Proposal for a regulation Article 30 – title

###### *Text proposed by the Commission*

Common provisions on investigatory and enforcement ***powers***

###### *Amendment*

Common provisions on investigatory and enforcement ***measures***

Or. en

#### Amendment 180

##### Proposal for a regulation Article 33 – paragraph 2 – subparagraph 2

###### *Text proposed by the Commission*

Where a provider failed to appoint a legal representative in accordance with Article 24, all Member States shall have jurisdiction. Where a Member State decides to exercise jurisdiction under this subparagraph, it shall inform all other Member States and ensure that the principle of ne bis in idem is respected.

###### *Amendment*

Where a provider ***which does not have its main establishment in the Union*** failed to appoint a legal representative in accordance with Article 24, all Member States shall have jurisdiction. Where a Member State decides to exercise jurisdiction under this subparagraph, it shall inform all other Member States and ensure that the principle

Or. en

## Amendment 181

### Proposal for a regulation Article 34 – paragraph 1

#### *Text proposed by the Commission*

1. Users shall have the right to lodge a complaint alleging an infringement of this Regulation affecting them against providers of relevant information society services with the Coordinating Authority designated by the Member State where the user resides or is established.

#### *Amendment*

1. Users **and any body, organisation or association mandated to exercise the rights conferred by this Regulation on their behalf**, shall have the right to lodge a complaint alleging an infringement of this Regulation affecting them against providers of relevant information society services with the Coordinating Authority designated by the Member State where the user resides or is

Or. en

## Amendment 182

### Proposal for a regulation Article 35 – paragraph 4

#### *Text proposed by the Commission*

4. Member States shall ensure that the maximum amount of a periodic penalty payment shall not exceed 5 % of the average daily global turnover of the provider or the other person referred to in Article 27 in the preceding financial year per day, calculated from the date specified in the decision

#### *Amendment*

4. Member States shall ensure that the maximum amount of a periodic penalty payment shall not exceed 5 % of the average daily global turnover of the provider or the other person referred to in Article 27 **(1) (a)** in the preceding financial year per day, calculated from the date specified in the

Or. en

## Amendment 183

### Proposal for a regulation Article 35 – paragraph 4 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

**4 a. Member States shall ensure that penalties imposed for the infringement of this Regulation do not encourage the over reporting or the removal of material which does not constitute child sexual abuse**

Or. en

## **Amendment 184**

### **Proposal for a regulation**

#### **Article 36 – paragraph 1 – subparagraph 1 – point b**

##### *Text proposed by the Commission*

(b) exact uniform resource **locators** indicating specific items of material that Coordinating Authorities or that competent judicial authorities or other independent administrative authorities of a Member State have identified, after a diligent assessment, as constituting child sexual abuse material, hosted by providers of hosting services not offering services in the Union, that cannot be removed due to those providers' refusal to remove or disable access thereto and to the lack of cooperation by the competent authorities of the third country having jurisdiction, for the EU Centre to compile the list of uniform resource **locators** in

##### *Amendment*

(b) exact Uniform Resource **Identifiers** indicating specific items of material that Coordinating Authorities or that competent judicial authorities or other independent administrative authorities of a Member State have identified, after a diligent assessment, as constituting child sexual abuse material, hosted by providers of hosting services not offering services in the Union, that cannot be removed due to those providers' refusal to remove or disable access thereto and to the lack of cooperation by the competent authorities of the third country having jurisdiction, for the EU Centre to compile the list of Uniform Resource **Identifiers** in

Or. en

## **Amendment 185**

### **Proposal for a regulation**

#### **Article 36 – paragraph 1 – subparagraph 2**

##### *Text proposed by the Commission*

##### *Amendment*

Member States shall take the necessary measures to ensure that the Coordinating Authorities that they designated receive, without undue delay, the material identified as child sexual abuse material, the transcripts of conversations identified as the solicitation of children, and the uniform resource **locators**, identified by a competent judicial authority or other independent administrative authority than the Coordinating Authority, for submission to the EU Centre in accordance with the first subparagraph.

Member States shall take the necessary measures to ensure that the Coordinating Authorities that they designated receive, without undue delay, the material identified as child sexual abuse material, the transcripts of conversations identified as the solicitation of children, and the Uniform Resource **Identifiers**, identified by a competent judicial authority or other independent administrative authority than the Coordinating Authority, for submission to the EU Centre in accordance with the first

Or. en

## Amendment 186

### Proposal for a regulation Article 36 – paragraph 3

#### *Text proposed by the Commission*

3. Member States shall ensure that, where their law enforcement authorities receive a report of the dissemination of new child sexual abuse material or of the solicitation of children forwarded to them by the EU Centre in accordance with Article 48(3), a diligent assessment is conducted in accordance with paragraph 1 **and, if the material or conversation is identified as constituting child sexual abuse material or as the solicitation of children, the Coordinating Authority submits the material to the EU Centre, in accordance with that paragraph, within one month from the date of reception of the report or, where the assessment is particularly**

#### *Amendment*

3. Member States shall ensure that, where their law enforcement authorities receive a report of the dissemination of new child sexual abuse material or of the solicitation of children forwarded to them by the EU Centre in accordance with Article 48(3), a diligent assessment is conducted in accordance with paragraph 1.

Or. en

## Amendment 187

### Proposal for a regulation

#### Article 38 – paragraph 1 – subparagraph 1

##### *Text proposed by the Commission*

Coordinating Authorities may participate in joint investigations, which may be coordinated with the support of the EU Centre, of matters covered by this Regulation, concerning providers of relevant information society services that offer their services in several Member States.

##### *Amendment*

Coordinating Authorities ***shall share best practice standards and guidance on the detection and removal of child sexual abuse material and*** may participate in joint investigations, which may be coordinated with the support of the EU Centre, of matters covered by this Regulation, concerning providers of relevant information society services that offer their services in several

Or. en

## Amendment 188

### Proposal for a regulation

#### Article 39 – paragraph 1

##### *Text proposed by the Commission*

1. Coordinating Authorities shall cooperate with each other, any other competent authorities of the Member State that designated the Coordinating Authority, the Commission, the EU Centre and other relevant Union agencies, including ***Europol***, to facilitate the performance of their respective tasks under this Regulation and ensure its effective, efficient and consistent

##### *Amendment*

1. Coordinating Authorities shall cooperate with each other, any other competent authorities of the Member State that designated the Coordinating Authority, the Commission, the EU Centre, ***Europol*** and other relevant Union agencies, including ***ENISA***, to facilitate the performance of their respective tasks under this Regulation and ensure its effective, efficient and consistent

Or. en

## Amendment 189

### Proposal for a regulation

#### Article 39 – paragraph 2

*Text proposed by the Commission*

2. The EU Centre shall establish and maintain one or more reliable and secure information sharing systems supporting communications between Coordinating Authorities, the Commission, the EU Centre, other relevant Union agencies and providers of relevant information society services.

*Amendment*

2. The EU Centre shall establish and maintain one or more reliable and secure information sharing systems supporting communications between Coordinating Authorities, the Commission, the EU Centre, ***Europol, and*** other relevant Union agencies, ***including ENISA***, and providers of relevant information society services.

Or. en

**Amendment 190**

**Proposal for a regulation**  
**Article 39 – paragraph 3**

*Text proposed by the Commission*

3. The Coordinating Authorities, the Commission, the EU Centre, other relevant Union agencies and providers of relevant information society services shall use the information-sharing systems referred to in paragraph 2 for all relevant communications pursuant to this Regulation.

*Amendment*

3. The Coordinating Authorities, the Commission, the EU Centre, ***Europol***, other relevant Union agencies, ***including ENISA***, and providers of relevant information society services shall use the information-sharing systems referred to in paragraph 2 for all relevant communications pursuant to this Regulation.

Or. en

**Amendment 191**

**Proposal for a regulation**  
**Article 40 – paragraph 2**

*Text proposed by the Commission*

*Amendment*



2. The EU Centre shall contribute to the achievement of the objective of this Regulation by supporting and facilitating the implementation of its provisions concerning the detection, reporting, removal or disabling of access to, **and** blocking of online child sexual abuse **and** gather and share information and expertise and facilitate cooperation between relevant public and private parties in connection to the prevention and combating of child sexual abuse, in particular online.

2. The EU Centre shall contribute to the achievement of the objective of this Regulation by supporting and facilitating the implementation of its provisions concerning the **prevention**, detection, reporting, removal or disabling of access to, blocking of online child sexual abuse **or delisting a particular resource indicating specific items of child sexual abuse material. The EU Centre shall** gather and share information and expertise and facilitate cooperation between relevant public and private parties in connection to the prevention and combating of child sexual abuse, in particular online. **It shall promote and ensure the appropriate support and**

Or. en

## Amendment 192

### Proposal for a regulation Article 42 – paragraph 1

#### *Text proposed by the Commission*

The seat of the EU Centre shall be **The Hague, The Netherlands.**

#### *Amendment*

The seat of the EU Centre shall be...

***The choice of the location of the seat of the EU Centre will be made in accordance with the ordinary legislative procedure, based on the following criteria:***

***(a) it shall not affect the EU Centre's execution of its tasks or the organisation of its governance structure;***

***(b) it shall ensure that the EU Centre is able to recruit the high-qualified and specialised staff it requires to perform the tasks provided by this Regulation;***

***(c) it shall ensure that it can be set up on site upon the entry into force of this***

*(d) it shall ensure appropriate accessibility of the location, the existence of adequate education facilities for the children of staff members, appropriate access to the labour market, social security and medical care for both children and spouses;*

*(e) it shall ensure a balanced geographical distribution of EU institutions, bodies and agencies across the Union;*

*(f) it shall enable close cooperation with EU institutions, bodies and agencies;*

*(g) it shall ensure sustainability and digital security and connectivity with regards to physical and IT infrastructure and working conditions.*

Or. en

#### **Amendment 193**

##### **Proposal for a regulation**

##### **Article 43 – paragraph 1 – point 4 – point d**

*Text proposed by the Commission*

(d) providing information and support to victims in accordance with Articles 20 and 21;

*Amendment*

(d) providing information, **assistance** and support to victims in accordance with Articles 20 and 21;

Or. en

#### **Amendment 194**

##### **Proposal for a regulation**

##### **Article 43 – paragraph 1 – point 6 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

*(b a) supporting the development and dissemination of age appropriate educational tools in order to enhance digital literacy and to raise awareness*

Or. en

## **Amendment 195**

### **Proposal for a regulation**

#### **Article 44 – paragraph 1 – point a**

##### *Text proposed by the Commission*

(a) indicators to detect the dissemination of child sexual abuse material previously detected and identified as constituting child sexual abuse material in accordance with Article 36(1);

##### *Amendment*

(a) indicators to ***prevent and*** detect the dissemination of child sexual abuse material previously detected and identified as constituting child sexual abuse material in accordance with Article 36(1);

Or. en

## **Amendment 196**

### **Proposal for a regulation**

#### **Article 44 – paragraph 1 – point b**

##### *Text proposed by the Commission*

(b) indicators to detect the dissemination of child sexual abuse material not previously detected and identified as constituting child sexual abuse material in accordance with Article 36(1);

##### *Amendment*

(b) indicators to ***prevent and*** detect the dissemination of child sexual abuse material not previously detected and identified as constituting child sexual abuse material in accordance with Article 36(1);

Or. en

## **Amendment 197**

### **Proposal for a regulation**

#### **Article 44 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) indicators to detect the solicitation of children.

(c) indicators to **prevent and** detect the solicitation of children.

Or. en

## **Amendment 198**

### **Proposal for a regulation**

#### **Article 44 – paragraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

(b) as regards paragraph 1, point (a), the relevant indicators shall include a list of uniform resource **locators** compiled by the EU Centre in accordance with paragraph 3;

(b) as regards paragraph 1, point (a), the relevant indicators shall include a list of Uniform Resource **Identifiers** compiled by the EU Centre in accordance with paragraph

Or. en

## **Amendment 199**

### **Proposal for a regulation**

#### **Article 44 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

The EU Centre shall compile the list of uniform resource **locators** referred to in paragraph 2, point (b), solely on the basis of the uniform resource **locators** submitted to it pursuant to Article 36(1), point (b).

The EU Centre shall compile the list of Uniform Resource **Identifiers** referred to in paragraph 2, point (b), solely on the basis of the Uniform Resource **Identifiers** submitted to it pursuant to Article 36(1), point (b).

Or. en

## **Amendment 200**

### **Proposal for a regulation**

#### **Article 44 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. The EU Centre shall keep records of the submissions and of the process applied to generate the indicators and compile the list referred to in the first and second subparagraphs. It shall keep those records for as long as the indicators, including the uniform resource *locators*, to which they correspond are contained in the databases of indicators referred to in paragraph 1.

4. The EU Centre shall keep records of the submissions and of the process applied to generate the indicators and compile the list referred to in the first and second subparagraphs. It shall keep those records for as long as the indicators, including the Uniform Resource *Identifiers*, to which they correspond are contained in the databases of indicators referred to in paragraph 1.

Or. en

**Amendment 201**

**Proposal for a regulation**

**Article 45 – paragraph 2 – point g**

*Text proposed by the Commission*

*Amendment*

(g) relevant indicators and ancillary tags associated with the reported potential child sexual abuse material.

(g) relevant indicators, *metadata*, and ancillary tags associated with the reported potential child sexual abuse material.

Or. en

**Amendment 202**

**Proposal for a regulation**

**Article 46 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. The EU Centre shall give **providers of hosting services, providers of interpersonal communications services and providers of internet access services** access to the databases of indicators referred to in Article 44, where and to the extent necessary for them to execute the detection **or** blocking orders that they received in accordance with Articles **7 or 16**. **It** shall take measures to ensure that such access remains limited to what is strictly necessary for the period of application of the detection **or** blocking orders concerned and that such access does not in any way endanger the proper operation of those databases and the accuracy and security of the data contained therein.

2. The EU Centre shall give **relevant information society** services providers access to the databases of indicators referred to in Article 44, where and to the extent necessary for them to execute the **voluntary** detection **orders, detection, blocking or delisting** orders that they received in accordance with Articles **5a, 7, 16 or 18a**. **The EU Centre** shall take measures to ensure that such access remains limited to what is strictly necessary for the period of application of the **voluntary** detection **orders, detection, blocking or delisting** orders concerned and that such access does not in any way endanger the proper operation of those databases and the accuracy and

Or. en

#### Amendment 203

##### Proposal for a regulation Article 46 – paragraph 4

###### *Text proposed by the Commission*

4. The EU Centre shall give Europol and the competent law enforcement authorities of the Member States access to the databases of indicators referred to in Article 44 where and to the extent necessary for the performance of their tasks of investigating **suspected** child sexual abuse

###### *Amendment*

4. The EU Centre shall give Europol and the competent law enforcement authorities of the Member States access to the databases of indicators referred to in Article 44 where and to the extent necessary for the performance of their tasks of investigating child sexual abuse offences.

Or. en

#### Amendment 204

##### Proposal for a regulation Article 46 – paragraph 5

###### *Text proposed by the Commission*

###### *Amendment*

5. The EU Centre shall give Europol access to the databases of reports referred to in Article 45, where and to the extent necessary for the performance of its tasks of assisting investigations of **suspected** child sexual abuse offences

5. The EU Centre shall give Europol access to the databases of reports referred to in Article 45, where and to the extent necessary for the performance of its tasks of assisting investigations of child sexual abuse offences

Or. en

## Amendment 205

### Proposal for a regulation

#### Article 46 – paragraph 6 – subparagraph 1

##### *Text proposed by the Commission*

The EU Centre shall provide the access referred to in paragraphs 2, 3, 4 and 5 only upon the reception of a request, specifying the purpose of the request, the modalities of the requested access, and the degree of access needed to achieve that purpose. The requests for the access referred to in paragraph 2 shall also include a reference to the detection **order or the** blocking **order**, as applicable.

##### *Amendment*

The EU Centre shall provide the access referred to in paragraphs 2, 3, 4 and 5 only upon the reception of a request, specifying the purpose of the request, the modalities of the requested access, and the degree of access needed to achieve that purpose. The requests for the access referred to in paragraph 2 shall also include a reference to the **voluntary** detection **orders, detection, blocking or delisting orders**, as applicable.

Or. en

## Amendment 206

### Proposal for a regulation

#### Article 46 – paragraph 6 – subparagraph 2

##### *Text proposed by the Commission*

The EU Centre shall diligently assess those requests and only grant access where it considers that the requested access is necessary for and proportionate to the specified purpose.

##### *Amendment*

The EU Centre shall diligently assess those requests and only grant access where it considers that the requested access is necessary for and proportionate to the specified purpose, **and in accordance with**

Or. en

## Amendment 207

### Proposal for a regulation Article 46 – paragraph 7

#### *Text proposed by the Commission*

7. The EU Centre shall regularly verify that the data contained in the databases referred to in Articles 44 and 45 is, in all respects, complete, accurate and up-to-date and continues to be necessary for the purposes of reporting, detection and blocking in accordance with this Regulation, as well as facilitating and monitoring of accurate detection technologies and processes. In particular, as regards the uniform resource **locators** contained in the database referred to Article 44(1), point (a), the EU Centre shall, where necessary in cooperation with the Coordination Authorities, regularly verify that the conditions of Article 36(1), point (b), continue to be met. Those verifications shall include audits, where appropriate. Where necessary in view of those verifications, it shall immediately complement, adjust or

#### *Amendment*

7. The EU Centre shall regularly verify that the data contained in the databases referred to in Articles 44 and 45 is, in all respects, complete, accurate and up-to-date and continues to be necessary for the purposes of reporting, detection and blocking in accordance with this Regulation, as well as facilitating and monitoring of accurate detection technologies and processes. In particular, as regards the Uniform Resource **Identifiers** contained in the database referred to Article 44(1), point (a), the EU Centre shall, where necessary in cooperation with the Coordination Authorities, regularly verify that the conditions of Article 36(1), point (b), continue to be met. Those verifications shall include audits, where appropriate. Where necessary in view of those verifications, it shall immediately complement, adjust or

Or. en

## Amendment 208

### Proposal for a regulation Article 46 – paragraph 8

#### *Text proposed by the Commission*

#### *Amendment*



8. The EU Centre shall ensure that the data contained in the databases referred to in Articles 44 and 45 is stored in a secure manner and that the storage is subject to appropriate technical and organisational safeguards. Those safeguards shall ensure, in particular, that the data can be accessed and processed only by duly authorised persons for the purpose for which the person is authorised and that a high level of security is achieved. The EU Centre shall regularly review those safeguards and adjust them where necessary.

8. The EU Centre shall ensure that the data contained in the databases referred to in Articles 44 and 45 is stored in a secure manner and that the storage is subject to appropriate technical and organisational safeguards ***that ensure an effective supervision, especially in automated processing systems***. Those safeguards shall ensure, in particular, that the data can be accessed and processed only by duly authorised persons for the purpose for which the person is authorised and that a high level of security is achieved. The EU Centre shall regularly review those safeguards and adjust them where necessary. ***It shall maintain a record of processing activities as established in Article 30 Regulation 2016/679 which, upon request, shall be made available to the EU Centre's data protection officer and to***

Or. en

## **Amendment 209**

### **Proposal for a regulation**

#### **Article 47 – paragraph 1 – point b**

##### *Text proposed by the Commission*

(b) the processing of the submissions by Coordinating Authorities, the generation of the indicators, the compilation of the list of uniform resource ***locators*** and the record-keeping, referred to in Article 44(3);

##### *Amendment*

(b) the processing of the submissions by Coordinating Authorities, the generation of the indicators, the compilation of the list of Uniform Resource ***Identifiers*** and the record-keeping, referred to in Article 44(3);

Or. en

## **Amendment 210**

### **Proposal for a regulation**

#### **Article 48 – paragraph 1**

*Text proposed by the Commission*

1. The EU Centre shall expeditiously assess and process reports submitted by providers of hosting services and providers of interpersonal communications services in accordance with Article 12 to determine whether the reports are manifestly unfounded or *are to be forwarded*.

*Amendment*

1. The EU Centre shall expeditiously ***and accurately*** assess and process reports submitted by providers of hosting services and providers of interpersonal communications services in accordance with Article 12 to determine whether the reports are manifestly unfounded or ***not***. ***To this end, providers of hosting services and providers of interpersonal communications services shall make all the reasonable efforts to ensure the quality of the information submitted in accordance with Article 13, in order to facilitate this expeditious and***

Or. en

**Amendment 211**

**Proposal for a regulation  
Article 48 – paragraph 7**

*Text proposed by the Commission*

7. The time periods referred to in ***the first subparagraph***, points (a) and (b), shall be those specified in the competent law enforcement authority's request to the EU Centre, provided that they remain limited to what is necessary to avoid interference with the ***relevant*** activities and does not exceed 18 months.

*Amendment*

7. The time periods referred to in ***paragraph 6***, points (a) and (b), shall be those specified in the competent law enforcement authority's request to the EU Centre, provided that they remain limited to what is necessary to avoid interference with the activities ***for the prevention, detection, investigation, and prosecution of child sexual abuse offences*** and does not exceed

Or. en

**Amendment 212**

**Proposal for a regulation  
Article 49 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. The EU Centre shall have the power to conduct searches on hosting services for the dissemination of publicly accessible child sexual abuse material, using the relevant indicators from the database of indicators referred to in Article 44(1), points (a) and (b), in the following situations:

*Amendment*

1. The EU Centre shall have the power to conduct **targeted** searches on hosting services for the dissemination of publicly accessible child sexual abuse material, using the relevant indicators from the database of indicators referred to in Article 44(1), points (a) and (b), in the following situations:

Or. en

**Amendment 213**

**Proposal for a regulation**  
**Article 49 – paragraph 3**

*Text proposed by the Commission*

3. Where so requested by a competent law enforcement authority of a Member State in order to avoid interfering with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences, the EU Centre shall not **submit a notice**, for as long as necessary to avoid such interference but no longer than 18 months.

*Amendment*

3. Where so requested by a competent law enforcement authority of a Member State in order to avoid interfering with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences, the EU Centre shall not **proceed according to paragraph 2**, for as long as necessary to avoid such interference but no

Or. en

**Amendment 214**

**Proposal for a regulation**  
**Article 50 – paragraph 1 – subparagraph 3**

*Text proposed by the Commission*

*Amendment*

Before including specific technologies on those lists, the EU Centre shall request the opinion of its Technology Committee and of the European Data Protection Board. The Technology Committee and the European Data Protection Board shall deliver their respective opinions within eight weeks. That period may be extended by a further six weeks where necessary, taking into account the complexity of the subject matter. The Technology Committee and the European Data Protection Board shall inform the EU Centre of any such extension within one month of receipt of the request for consultation, together with the reasons for the delay.

Before including specific technologies on those lists, the EU Centre shall request the opinion of its Technology Committee and, ***upon request of the European Commission, the opinion*** of the European Data Protection Board. The Technology Committee and the European Data Protection Board shall deliver their respective opinions within eight weeks. That period may be extended by a further six weeks where necessary, taking into account the complexity of the subject matter. The Technology Committee and the European Data Protection Board shall inform the EU Centre of any such extension within one month of receipt of the request for consultation, together with the reasons for the delay. ***Where the EU Centre substantially deviates from those opinions, it shall inform the Technology Committee or the European Data Protection Board and the Commission thereof, specifying the points at which it deviated and the main***

Or. en

#### *Justification*

*Joint Opinion of the EDPB and the EDPS 04/2022 (point 107 and 108)*

### **Amendment 215**

#### **Proposal for a regulation**

#### **Article 50 – paragraph 2 – point c**

##### *Text proposed by the Commission*

(c) information resulting from research or other activities conducted by Member States' authorities, other Union institutions, bodies, offices and agencies, the competent authorities of third countries, international organisations, research centres and civil society organisations.

##### *Amendment*

(c) information resulting from research or other activities conducted by Member States' authorities, other Union institutions, bodies, offices and agencies, the competent authorities of third countries, international organisations, research centres, ***hotlines***, and civil society organisations.

Or. en

## Amendment 216

### Proposal for a regulation Article 50 – paragraph 5

#### *Text proposed by the Commission*

5. The EU Centre shall develop a communication strategy and promote dialogue with civil society organisations **and providers of hosting or interpersonal communication** services to raise public awareness of online child sexual abuse and measures to prevent and combat such abuse.

#### *Amendment*

5. The EU Centre shall develop a communication strategy and promote dialogue **and cooperation** with civil society organisations, **public authorities, and relevant information society** services to raise public awareness of online child sexual abuse and measures to prevent and combat

Or. en

## Amendment 217

### Proposal for a regulation Article 51 – paragraph 3

#### *Text proposed by the Commission*

3. The EU Centre shall store the personal data referred to in paragraph 2 only where and for as long as strictly necessary for the applicable purposes listed in paragraph 2.

#### *Amendment*

3. The EU Centre shall store the personal data referred to in paragraph 2 only where and for as long as strictly necessary for the applicable purposes listed in paragraph 2. ***The maximum retention period for the storage of those data shall not exceed 24 months. After this period, the EU Centre shall review the necessity of continued storage of that data and provide justification for another 24 months***

Or. en

#### *Justification*

*Joint Opinion of the EDPB and the EDPS 04/2022 (point 115)*

## Amendment 218

### Proposal for a regulation Article 51 – paragraph 4

#### *Text proposed by the Commission*

4. It shall ensure that the personal data is stored in a secure manner and that the storage is subject to appropriate technical and organisational safeguards. Those safeguards shall ensure, in particular, that the personal data can be accessed and processed only for the purpose for which it is stored, that a high level of security is achieved and that the personal data is deleted when no longer strictly necessary for the applicable purposes. It shall regularly review those safeguards and adjust them where necessary.

#### *Amendment*

4. It shall ensure that the personal data is stored in a secure manner and that the storage is subject to appropriate technical and organisational safeguards ***that ensure an effective supervision, especially in automated processing systems***. Those safeguards shall ensure, in particular, that the personal data can be accessed and processed only for the purpose for which it is stored, that a high level of security is achieved and that the personal data is deleted when no longer strictly necessary for the applicable purposes. It shall regularly review those safeguards and adjust them where necessary. ***It shall maintain a record of processing activities as established in Article 30 Regulation 2016/679 which, upon request, would be made available to the EU Centre's data protection officer and to the European***

Or. en

#### *Justification*

*Joint Opinion of the EDPB and the EDPS 04/2022 (point 116)*

## Amendment 219

### Proposal for a regulation Article 53 – paragraph 2 – subparagraph 1

#### *Text proposed by the Commission*

#### *Amendment*

Europol *and* the EU Centre *shall provide each other with the fullest possible* access to relevant information and information systems, where necessary for the performance of *their respective* tasks *and in accordance with the acts of Union law regulating such* access.

Europol *shall provide* the EU Centre *with* access to relevant information and information systems, where *deemed strictly* necessary for the performance of *the EU Centre's* tasks. *Any access to personal data processed in Europol's information systems shall be granted only on a case-by-case basis, upon submission of an explicit request, which documents the specific purpose, and justification. Europol should be required to diligently assess those requests and only transmit personal data to the EU Centre where strictly necessary and*

*The EU Centre shall provide Europol with access to relevant information and information systems where deemed strictly necessary for the performance of Europol's tasks. That access and subsequent transmission of personal data obtained from the EU Centre's information systems should only take place on a case-by-case basis, following a duly assessed request, via an available secure exchange*

Or. en

#### *Justification*

*Joint Opinion of the EDPB and the EDPS 04/2022 (point 127-133)*

#### **Amendment 220**

##### **Proposal for a regulation**

##### **Article 53 – paragraph 2 – subparagraph 2**

###### *Text proposed by the Commission*

Without prejudice to the responsibilities of the Executive Director, the EU Centre shall maximise efficiency by sharing *administrative* functions with Europol, *including functions relating to personnel management*, information technology (IT)

###### *Amendment*

Without prejudice to the responsibilities of the Executive Director, the EU Centre shall maximise efficiency by sharing, *where possible, support* functions with Europol *and* information technology *services* (IT).

**Amendment 221****Proposal for a regulation  
Article 54 – paragraph 1***Text proposed by the Commission*

1. Where necessary for the performance of its tasks under this Regulation, the EU Centre may cooperate with organisations and networks with information and expertise on matters related to the prevention and combating of online child sexual abuse, including civil society organisations and semi-public organisations.

*Amendment*

1. Where necessary for the performance of its tasks under this Regulation, the EU Centre may cooperate with organisations and networks with information and expertise on matters related to the prevention and combating of online child sexual abuse, including civil society organisations ***acting in the public interest*** and semi-public

Or. en

**Amendment 222****Proposal for a regulation  
Article 56 – paragraph 4***Text proposed by the Commission*

4. Members of the Management Board and their alternates shall be appointed in the light of their knowledge in the field of combating child sexual abuse, taking into account ***relevant managerial, administrative and budgetary skills***. Member States shall appoint a representative of their Coordinating Authority, within four months of [date of entry into force of this Regulation]. All parties ***represented in the Management Board shall make efforts to limit turnover of their representatives, in order to ensure continuity of its work. All parties*** shall aim to achieve a balanced representation between men and women on

*Amendment*

4. Members of the Management Board and their alternates shall be appointed in the light of their knowledge in the field of combating child sexual abuse, taking into account ***expertise and professional records***. Member States shall appoint a representative of their Coordinating Authority, within four months of [date of entry into force of this Regulation]. All parties shall aim to achieve a balanced representation between men and women on the Management Board.



## Amendment 223

### Proposal for a regulation Article 56 – paragraph 5

#### *Text proposed by the Commission*

5. The term of office for members and their alternates shall be four years. That term may be renewed.

#### *Amendment*

5. The term of office for members and their alternates shall be four years. That term may be renewed ***only once for another four***

Or. en

## Amendment 224

### Proposal for a regulation Article 57 – title

#### *Text proposed by the Commission*

***Functions*** of the Management Board

#### *Amendment*

***Tasks*** of the Management Board

Or. en

## Amendment 225

### Proposal for a regulation Article 57 – paragraph 1 – point a a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***(a a) adopt the draft Single Programming Document and transmit it for their opinions to the European Parliament, the Council and the Commission;***

Or. en

## **Amendment 226**

### **Proposal for a regulation**

#### **Article 57 – paragraph 1 – point a b (new)**

*Text proposed by the Commission*

*Amendment*

***(a b) adopt, by 30 November of each year, the Single Programming Document, and transmit it for information to the European Parliament, the Council and the Commission by 31 January the following year, as well as any other updated version of***

Or. en

## **Amendment 227**

### **Proposal for a regulation**

#### **Article 57 – paragraph 1 – point a c (new)**

*Text proposed by the Commission*

*Amendment*

***(a c) adopt the annual budget of the EU Centre and exercise other tasks in respect of the EU Centre's budget;***

Or. en

## **Amendment 228**

### **Proposal for a regulation**

#### **Article 57 – paragraph 1 – point a d (new)**

*Text proposed by the Commission*

*Amendment*

*(a d) assess and adopt a consolidated annual activity report on the EU Centre's activities, including an overview of the fulfilment of its tasks and send it, by 1 July each year, to the European Parliament, the Council, the Commission and the Court of Auditors and make the consolidated annual activity report public;*

Or. en

#### **Amendment 229**

##### **Proposal for a regulation**

##### **Article 57 – paragraph 1 – point a e (new)**

*Text proposed by the Commission*

*Amendment*

*(a e) adopt an anti-fraud strategy, proportionate to fraud risks taking into account the costs and benefits of the measures to be implemented, an efficiency gains and synergies strategy with other Union decentralised agencies and bodies, a strategy for cooperation with third countries and/or international organisations, and a strategy for the organisational management and internal control systems;*

Or. en

#### **Amendment 230**

##### **Proposal for a regulation**

##### **Article 57 – paragraph 1 – point a f (new)**

*Text proposed by the Commission*

*Amendment*

*(a f) exercise, with respect to the staff of the EU Centre, the powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment of Other Servants on the Authority Empowered to Conclude a Contract of Employment<sup>1a</sup> ("the appointing*

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*<sup>1a</sup> Regulation (EEC, Euratom, ECSC) No 259/68 of the Council of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission (OJ L 56, 4.3.1968, p. 1)*

Or. en

#### **Amendment 231**

##### **Proposal for a regulation**

##### **Article 57 – paragraph 1 – point a g (new)**

*Text proposed by the Commission*

*Amendment*

*(a g) adopt appropriate implementing rules for giving effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110(2) of the Staff*

Or. en

#### **Amendment 232**

##### **Proposal for a regulation**

##### **Article 57 – paragraph 1 – point a h (new)**

*Text proposed by the Commission*

*Amendment*

***(a h) appoint the Executive Director and remove him/her from office, in accordance with Article 65;***

Or. en

**Amendment 233**

**Proposal for a regulation**

**Article 57 – paragraph 1 – point a i (new)**

*Text proposed by the Commission*

*Amendment*

***(a i) appoint an Accounting Officer, who may be the Commission's Accounting Officer, subject to the Staff Regulations and the Conditions of Employment of other servants, who shall be totally independent in the performance of his/her duties;***

Or. en

**Amendment 234**

**Proposal for a regulation**

**Article 57 – paragraph 1 – point a j (new)**

*Text proposed by the Commission*

*Amendment*

***(a j) adopt the financial rules applicable to the EU Centre;***

Or. en

**Amendment 235**

**Proposal for a regulation**

**Article 57 – paragraph 1 – point a k (new)**

*Text proposed by the Commission*

*Amendment*

*(a k) take all decisions on the establishment of the EU Centre's internal structures and, where necessary, their*

Or. en

**Amendment 236**

**Proposal for a regulation**

**Article 57 – paragraph 1 – point a l (new)**

*Text proposed by the Commission*

*Amendment*

*(a l) appoint a Data Protection Officer;*

Or. en

**Amendment 237**

**Proposal for a regulation**

**Article 57 – paragraph 1 – point a m (new)**

*Text proposed by the Commission*

*Amendment*

*(a m) adopt internal guidelines further specifying the procedures for the processing of information in accordance with Article*

Or. en

**Amendment 238**

**Proposal for a regulation**

**Article 57 – paragraph 1 – point f**

*Text proposed by the Commission*

*Amendment*

(f) appoint the members of the Technology Committee, and of any other advisory group it may establish;

(f) appoint the members of the Technology Committee, *the Victims' Consultative Forum* and of any other

### Amendment 239

#### Proposal for a regulation Article 59 – paragraph 3

##### *Text proposed by the Commission*

3. The Management Board shall hold at least **two** ordinary meetings a year. In addition, it shall meet on the initiative of its Chairperson, at the request of the Commission, or at the request of at least one-

##### *Amendment*

3. The Management Board shall hold at least **four** ordinary meetings a year. In addition, it shall meet on the initiative of its Chairperson, at the request of the Commission, or at the request of at least one-

Or. en

### Amendment 240

#### Proposal for a regulation Article 59 – paragraph 4

##### *Text proposed by the Commission*

4. The Management Board may invite any person whose opinion may be of interest to attend its meetings as an observer.

##### *Amendment*

4. The Management Board may invite any person whose opinion may be of interest to attend its meetings as an observer ***on matters related to a specific item on the Management Board's agenda.***

Or. en

### Amendment 241

#### Proposal for a regulation Article 59 – paragraph 4 a (new)

##### *Text proposed by the Commission*

##### *Amendment*

**4 a. The Management Board may invite the members of the Victims' Consultative Forum as observers on matters related to a specific item on the Management Board's**

Or. en

#### **Amendment 242**

##### **Proposal for a regulation**

##### **Article 61 – paragraph 1 – subparagraph 1**

###### *Text proposed by the Commission*

The Executive Board shall be composed of the Chairperson and the Deputy Chairperson of the Management Board, **two** other members appointed by the Management Board from among its members with the right to vote and two representatives of the Commission to the Management Board. The Chairperson of the Management Board shall also be the Chairperson of the Executive

###### *Amendment*

The Executive Board shall be composed of the Chairperson and the Deputy Chairperson of the Management Board, **three** other members appointed by the Management Board from among its members with the right to vote and two representatives of the Commission to the Management Board. The Chairperson of the Management Board shall also be the Chairperson of the Executive

Or. en

#### **Amendment 243**

##### **Proposal for a regulation**

##### **Article 61 – paragraph 2**

###### *Text proposed by the Commission*

###### *Amendment*



2. The term of office of members of the Executive Board shall be four years. ***In the course of the 12 months preceding the end of the four-year term of office of the Chairperson and five members of the Executive Board, the Management Board or a smaller committee selected among Management Board members including a Commission representative shall carry out an assessment of performance of the Executive Board. The assessment shall take into account an evaluation of the Executive Board members' performance and the EU Centre's future tasks and challenges. Based on the assessment, the Management Board***

2. The term of office of members of the Executive Board shall be four years.

Or. en

#### Amendment 244

##### Proposal for a regulation Article 62 – paragraph 1

*Text proposed by the Commission*

1. ***The Executive Board shall be responsible for the overall planning and the execution of the tasks conferred on the EU Centre pursuant to Article 43. The Executive Board shall adopt all the decisions of the EU Centre with the exception of the decisions that shall be taken by the Management Board in*** ***deleted***

*Amendment*

Or. en

#### Amendment 245

##### Proposal for a regulation Article 62 – paragraph 2 – introductory part

*Text proposed by the Commission*

*Amendment*

2. ***In addition***, the Executive Board shall have the following tasks:

2. The Executive Board shall have the following tasks:

Or. en

#### **Amendment 246**

##### **Proposal for a regulation**

##### **Article 62 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

***(a) adopt, by 30 November of each year, deleted on the basis of a proposal by the Executive Director, the draft Single Programming Document, and shall transmit it for information to the European Parliament, the Council and the Commission by 31 January the following year, as well as any other updated version of the document;***

Or. en

#### **Amendment 247**

##### **Proposal for a regulation**

##### **Article 62 – paragraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

***(b) adopt the draft annual budget of the EU Centre and exercise other functions in respect of the EU Centre's budget;***

Or. en

#### **Amendment 248**

##### **Proposal for a regulation**

##### **Article 62 – paragraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

(c) *assess and adopt a consolidated annual activity report on the EU Centre's activities, including an overview of the fulfilment of its tasks and send it, by 1 July each year, to the European Parliament, the Council, the Commission and the Court of Auditors and make the consolidated annual activity report public;* **deleted**

Or. en

#### **Amendment 249**

**Proposal for a regulation**

**Article 62 – paragraph 2 – point d**

*Text proposed by the Commission*

*Amendment*

(d) *adopt an anti-fraud strategy, proportionate to fraud risks taking into account the costs and benefits of the measures to be implemented, an efficiency gains and synergies strategy, a strategy for cooperation with third countries and/or international organisations, and a strategy for the organisational management and* **deleted**

Or. en

#### **Amendment 250**

**Proposal for a regulation**

**Article 62 – paragraph 2 – point g**

*Text proposed by the Commission*

*Amendment*

(g) *exercise, with respect to the staff of the EU Centre, the powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment of Other Servants on the EU Centre Empowered to Conclude a Contract of Employment*<sup>51</sup> ("the appointing authority")

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<sup>51</sup> Regulation (EEC, Euratom, ECSC) No 259/68 of the Council of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission (OJ L 56, 4.3.1968, p. 1)

Or. en

#### **Amendment 251**

##### **Proposal for a regulation**

##### **Article 62 – paragraph 2 – point h**

*Text proposed by the Commission*

*Amendment*

(h) *adopt appropriate implementing rules for giving effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110(2) of the Staff* *deleted*

Or. en

#### **Amendment 252**

##### **Proposal for a regulation**

##### **Article 62 – paragraph 2 – point i**

*Text proposed by the Commission*

*Amendment*

(i) *appoint the Executive Director and* ~~deleted~~  
*remove him/her from office, in accordance*  
*with Article 65;*

Or. en

#### **Amendment 253**

##### **Proposal for a regulation**

##### **Article 62 – paragraph 2 – point j**

*Text proposed by the Commission*

*Amendment*

(j) *appoint an Accounting Officer, who* ~~deleted~~  
*may be the Commission's Accounting*  
*Officer, subject to the Staff Regulations and*  
*the Conditions of Employment of other*  
*servants, who shall be totally independent*  
*in the performance of his/her duties;*

Or. en

#### **Amendment 254**

##### **Proposal for a regulation**

##### **Article 62 – paragraph 2 – point l**

*Text proposed by the Commission*

*Amendment*

(l) *adopt the financial rules applicable* ~~deleted~~  
*to the EU Centre;*

Or. en

#### **Amendment 255**

##### **Proposal for a regulation**

##### **Article 62 – paragraph 2 – point m**

*Text proposed by the Commission*

*Amendment*

*(m) take all decisions on the establishment of the EU Centre's internal structures and, where necessary, their* *deleted*

Or. en

#### **Amendment 256**

##### **Proposal for a regulation**

##### **Article 62 – paragraph 2 – point n**

*Text proposed by the Commission*

*Amendment*

*(n) appoint a Data Protection Officer;* *deleted*

Or. en

#### **Amendment 257**

##### **Proposal for a regulation**

##### **Article 62 – paragraph 2 – point o**

*Text proposed by the Commission*

*Amendment*

*(o) adopt internal guidelines further specifying the procedures for the processing of information in accordance with Article 51, after consulting the European Data Protection Supervisor;* *deleted*

Or. en

#### **Amendment 258**

##### **Proposal for a regulation**

##### **Article 62 – paragraph 2 – point p**

*Text proposed by the Commission*

*Amendment*

*(p) authorise the conclusion of memoranda of understanding referred to in Article 53(3) and Article 54(2).* *deleted*

Or. en

#### **Amendment 259**

##### **Proposal for a regulation**

##### **Article 62 – paragraph 2 – point p a (new)**

*Text proposed by the Commission*

*Amendment*

*(p a) decide on matters provided for in the financial rules adopted pursuant to Article 68 that are not reserved to the Management Board by this Regulation;*

Or. en

#### **Amendment 260**

##### **Proposal for a regulation**

##### **Article 62 – paragraph 2 – point p b (new)**

*Text proposed by the Commission*

*Amendment*

*(p b) ensure adequate follow-up to the findings and recommendations stemming from the internal or external audit reports and evaluations, as well as from investigations of OLAF and of EPPO;*

Or. en

#### **Amendment 261**

##### **Proposal for a regulation**

##### **Article 62 – paragraph 2 – point p c (new)**

*Text proposed by the Commission*

*Amendment*

*(p c) without prejudice to the responsibilities of the Executive Director, as set out in Article 64, monitor and supervise the implementation of the decisions of the Management Board, with a view to reinforcing supervision of administrative*

Or. en

## **Amendment 262**

### **Proposal for a regulation Article 62 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. In exceptional circumstances, the Executive Board may by way of a decision temporarily suspend the delegation of the appointing authority powers to the Executive Director and any sub-delegation by the latter and exercise them itself or delegate them to one of its members or to a staff member other than the Executive** *deleted*

Or. en

## **Amendment 263**

### **Proposal for a regulation Article 63 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*



*The representatives of the Commission shall have a right to vote whenever matters pertaining to Article 62(2), points (a) to (l) and (p) are discussed and decided upon. For the purposes of taking the decisions referred to in Article 62(2), points (f) and (g), the representatives of the Commission shall have one vote each. The decisions referred to in Article 62(2), points (b) to (e), (h) to (l) and (p), may only be taken if the representatives of the Commission casts a positive vote. For the purposes of taking the decisions referred to in Article 62(2), point (a), the consent of the representatives of the Commission shall only be required on the elements of the decision not related to the annual and multi-annual working*

*deleted*

Or. en

#### **Amendment 264**

##### **Proposal for a regulation**

##### **Article 64 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1 a. Without prejudice to the powers of the Commission, of the Management Board and of the Executive Board, the Executive Director shall be independent in the performance of his/her duties and shall neither seek nor take instructions from any government nor from any other body.***

Or. en

#### **Amendment 265**

##### **Proposal for a regulation**

##### **Article 64 – paragraph 4 – point p a (new)**

*Text proposed by the Commission*

*Amendment*

**(p a) authorise the conclusion of memoranda of understanding referred to in Article 53(3) and Article 54(2).**

Or. en

## **Amendment 266**

### **Proposal for a regulation Article 65 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. The Executive Director shall be appointed by the **Executive** Board, from a list of candidates proposed by the Commission, following an open and transparent selection procedure.

2. The Executive Director shall be appointed by the **Management** Board, from a list of candidates proposed by the Commission, following an open and transparent selection procedure.

Or. en

## **Amendment 267**

### **Proposal for a regulation Article 65 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. For the purpose of concluding the contract with the Executive Director, the EU Centre shall be represented by the Chairperson of the **Executive** Board.

3. For the purpose of concluding the contract with the Executive Director, the EU Centre shall be represented by the Chairperson of the **Management** Board.

Or. en

## **Amendment 268**

### **Proposal for a regulation Article 65 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. The term of office of the Executive Director shall be five years. ***Six months before the end of the Executive Director's term of office, the Commission shall complete an assessment that takes into account an evaluation of the Executive Director's performance and the EU Centre's future tasks and challenges.***

4. The term of office of the Executive Director shall be five years.

Or. en

**Amendment 269**

**Proposal for a regulation  
Article 65 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

5. The ***Executive*** Board, acting on a proposal from the Commission ***that takes into account the assessment referred to in paragraph 3,*** may extend the term of office of the Executive Director once, for no more than five years.

5. The ***Management*** Board, acting on a proposal from the Commission may extend the term of office of the Executive Director once, for no more than five years.

Or. en

**Amendment 270**

**Proposal for a regulation  
Article 65 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

6. An Executive Director whose term of office has been extended ***may*** not participate in another selection procedure for the same post at the end of the overall period.

6. An Executive Director whose term of office has been extended ***shall*** not participate in another selection procedure for the same post at the end of the overall period.

Or. en

## Amendment 271

### Proposal for a regulation Article 65 – paragraph 7

#### *Text proposed by the Commission*

7. The Executive Director may be dismissed only upon a decision of the **Executive** Board acting on a proposal from the Commission.

#### *Amendment*

7. The Executive Director may be dismissed only upon a decision of the **Management** Board acting on a proposal from the Commission.

Or. en

## Amendment 272

### Proposal for a regulation Article 65 – paragraph 8

#### *Text proposed by the Commission*

8. The **Executive** Board shall take decisions on appointment, extension of the term of office or dismissal of the Executive Director by a majority of two-thirds of its members with voting rights.

#### *Amendment*

8. The **Management** Board shall take decisions on appointment, extension of the term of office or dismissal of the Executive Director by a majority of two-thirds of its members with voting rights.

Or. en

## Amendment 273

### Proposal for a regulation Article 66 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

#### **Article 66 a**

#### ***Establishment and tasks of the Victims’ Consultative Forum***

***1. The EU Centre shall establish a Consultative Forum to assist it by providing it with independent advice on victims related matters. The Consultative Forum will act upon request of the Management Board or the Executive Director.***

***2. The Consultative Forum shall consist of a maximum of fifteen members. Members of the Consultative Forum shall be appointed from victims of child sexual abuse and exploitation both online and offline, as well as representatives of organizations acting in the public interest against child sexual abuse and promoting victims' rights. They shall be appointed by the Management Board following the publication of a call for expression of interest in the Official Journal of the***

***3. The mandates of members of the Consultative Forum shall be four years. Those mandates shall be renewable once.***

***4. The Consultative Forum shall:***

***a) provide the Management Board and the Executive Director with advice on matters related to victims;***

***b) contribute to the EU Centre communication strategy referred to in***

***c) provide its opinion on the technologies used to detect online child sexual abuse regarding their relevance to the conditions in which child sexual abuse is committed;***

***d) maintain an open dialogue with the Management Board and the Executive Director on all matters related to victims, particularly on the protection of victims'***

Or. en

## Amendment 274

### Proposal for a regulation Article 69 – paragraph 4

#### *Text proposed by the Commission*

4. The EU Centre's expenditure shall include staff remuneration, administrative and infrastructure expenses, and operating costs.

#### *Amendment*

4. The EU Centre's expenditure shall include staff remuneration, administrative and infrastructure expenses, and operating costs, ***including the operating costs of the Technology Committee, the Victims' Consultative Forum and of any other advisory group it may establish.***

Or. en

## Amendment 275

### Proposal for a regulation Article 77 – paragraph 2

#### *Text proposed by the Commission*

2. The processing of personal data by the EU Centre shall be subject to Regulation (EU) 2018/1725. The Management Board shall, within six months of the date of its first meeting, establish measures for the application of that Regulation by the EU Centre, including those concerning the appointment of a Data Protection Officer of the EU Centre. Those measures shall be established after consultation ***of*** the

#### *Amendment*

2. The processing of personal data by the EU Centre shall be subject to Regulation (EU) 2018/1725. The Management Board shall, within six months of the date of its first meeting, establish measures for the application of that Regulation by the EU Centre, including those concerning the appointment of a Data Protection Officer of the EU Centre. Those measures shall be established after consultation ***with*** the

Or. en

## Amendment 276

### Proposal for a regulation Article 83 – paragraph 3 – point b

*Text proposed by the Commission*

(b) the number of submissions of child sexual abuse material and solicitation of children referred to in Article 36(1), broken down by Member State that designated the submitting Coordinating Authorities, and, in the case of child sexual abuse material, the number of indicators generated on the basis thereof and the number of uniform resource **locators** included in the list of uniform resource **locators** in accordance with Article

*Amendment*

(b) the number of submissions of child sexual abuse material and solicitation of children referred to in Article 36(1), broken down by Member State that designated the submitting Coordinating Authorities, and, in the case of child sexual abuse material, the number of indicators generated on the basis thereof and the number of Uniform Resource **Identifiers** included in the list of Uniform Resource **Identifiers** in accordance with

Or. en

## EXPLANATORY STATEMENT

The Rapporteur welcomes the European Commission's legislative proposal laying down rules to prevent and combat child sexual abuse. It is urgent to establish a long-term regulatory framework capable of giving an answer according to the magnitude of the problem: internet service providers in Europe are the largest hosts of child sexual abuse material in the world.

The rapporteur shares the need to migrate from a voluntary system to detect, report and take down child sexual abuse material to a mandatory one. The current Interim Regulation (Regulation (EU) 2021/1232) meant a remarkable progress in the legislative approach on tackling child sexual abuse online but it has been proven insufficient due to an uneven commitment or engagement on the side of the relevant information society services.

Likewise, he supports the approach based on the assessment conducted by each provider of the risks of their services being misused for the purpose of child sexual abuse. Previously introduced by the Digital Service Act (Regulation (EU) 2022/2065), the risk assessment should be the basis for reporting those risks and implementing the necessary measures to mitigate them.

The rapporteur also agrees that these rules should be laid down in a technology-neutral and a future-proof manner. Thus, providers will not be required to use any specific technology and, consequently, will not be asked to do what is not legally feasible or technologically viable according to the state of the art. This approach will definitely contribute and encourage innovation. It is crucial for the legislative framework to keep the pace of technological progress which will deliver new tools to prevent and combat online child sexual abuse.

A key guiding principle of the rapporteur's report, aligned with the Proposal, is the compliance with the prohibition of a general monitoring obligation enshrined in European legislation and case-law of the European Court of Justice. The rapporteur welcomes the set of safeguards introduced in the proposal and the EDPB-EDPS Joint Opinion 04/2022 as a major contribution which has been taken into account in the drafting of this report.

The rapporteur considers that end-to-end encryption is an important tool to guarantee the security and confidentiality of the communications of users, including those of children. Consequently, nothing in this Regulation should be interpreted as prohibiting or weakening end-to-end encryption, while the Regulation remains open, where applicable, to existing and future technological developments.

To the extent strictly necessary and proportionate to mitigate the risk of misuse of their services for the purpose of online child sexual abuse, providers should be authorised by the competent judicial authority or another independent administrative authority to process metadata that can detect suspicious patterns of behaviour without having access to the content of the encrypted communication.

Having stated the guiding principles of the rapporteur's report, the specific proposals of the rapporteur are listed below:



Regarding the scope of application, the rapporteur considers that it should cover online search engines and any other artificial intelligence systems, both of which will be subject to delisting orders.

Concerning detection orders and its consequent detection obligations, the rapporteur is of the view that they should cover not only the dissemination of material previously detected and confirmed as constituting child sexual abuse material (known material), but also material not previously detected that is likely to constitute child sexual abuse material but has not yet been confirmed as such (new material), as well as activities constituting the solicitation of children (grooming). The Interim Regulation already covers the three instances of online child sexual abuse material. Limiting the scope of the child sexual abuse material covered by the Regulation would undoubtedly mean a setback in the fight against sexual abuse of minors.

The rapporteur is of the opinion that detection orders have to be a mechanism of last resort that might entail a negative reputational component for those providers who do not comply with the obligations established in the Regulation.

In order to stress detection orders as a mechanism of last resort, the rapporteur proposes reinforcing prevention as part of the mitigation measures to be taken by relevant society communication services. Mitigation measures may include targeted measures to protect the rights of the child, including safety and security design for children by default, functionalities enabling age assurance and age scoring, age-appropriate parental control tools, allowing flagging and/or notifying mechanisms, self-reporting functionalities, or participating in codes of conduct for protecting children.

The rapporteur puts forward the establishment of a complementary mechanism: voluntary detection orders. The voluntary detection orders will not only contribute to make mandatory detection orders a measure of last resort, but will also cover a possible gap between the entry into force and the effective application of the new Regulation.

Moreover, it needs to be taken into account that the Interim Regulation, which currently enables providers to continue lawful detection, reporting and removal of online child sexual abuse from their services on a voluntary basis, lapses on the 3rd of August 2024.

Consequently, the rapporteur proposes that, where applicable, providers should assess in their risk assessment, in a separate section, the voluntary use of specific technologies for the processing of personal data and other data to the extent strictly necessary to detect, report and remove online child sexual abuse on their services. Based on this separated assessment, providers may request to the competent Coordinating Authority the need of continuing, as part of their mitigation measures, using specific technologies for the processing of personal data and other data for this purposes. Following this request of the provider, the competent Coordinating Authority shall have the power to request the competent judicial authority of the Member State that designated it or another independent administrative authority of that Member State to issue an order that authorizes the provider to maintain or implement mitigation measures that consist of using specific technologies for the processing of personal and other data to the extent strictly necessary to detect, report and remove online child sexual

abuse on their services.

The rapporteur welcomes and expresses his strong support for the creation of a European Union Agency to prevent and combat child sexual abuse, the EU Centre on Child Sexual Abuse. He considers that a greater role has to be given to victims/survivors. Accordingly, the report proposes setting up a Victims' Consultative Forum. The rapporteur highlights the importance of the cooperation between authorities and civil society organizations acting in the public interest, including hotlines, whose contribution to the fight against child sexual abuse has to be acknowledge.

Regarding the seat of the EU Center, the rapporteur considers that it is necessary to align the provisions of the proposal with the recent case-law of the European Court of Justice. Additionally, the rapporteur has introduced some changes in the proposal to rebalance the tasks assigned to the Executive Director and the Management Board of the EU Centre.